Davidson County WILL
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RICHARD R ROOKER, CLERK

LAST WILL AND TESTAMENT

of

PEGGY Y. LITSEY

I, Peggy Y. Litsey, currently domiciled in Davidson County, Tennessee, do make, publish and declare this instrument to be my Last Will and Testament, hereby revoking all wills and codicils heretofore made by me, including but not necessarily limited to that certain will which I made on or about September 24, 1996, and January 29, 2001.

ARTICLE 1: NAME & FAMILY

1.1 Name: My full name is Peggy Yvonne Litsey. The name I customarily use and which I sign on documents is Peggy Y. Litsey. My date of birth is June 25, 1932, and my Social Security Number is [redacted]-7457.

1.2 Present Family: I am a widow, not currently married. I have three children, being: Bonnie Hobbs, Deborah Butler, and Jordan Franklin Litsey, Jr.

ARTICLE 2: DISPOSITION OF ESTATE

2.1 Specific Bequest: I hereby give, devise and bequeath my certain tract or parcel of land which is located at or near the intersection of South Mt. Juliet Road and Central Pike in Mt. Juliet, Wilson County, Tennessee; and which tract contains by estimation 10.1 acres, more or less; equally among Jonathan Drew Hobbs, Jeremy Lee Hobbs, Lauren Michele Butler Rife, Leigh Campbell Butler Dean, Jacqueline Nicole Litsey, and Jeremy Blake Hobbs, per capita. I have intentionally made no direct provision in this Paragraph for my Grandson, Jason Daniel Hobbs, not out of any lack of love or affection, but for reasons of my own.

2.2 Tangible Personal Property: I give all the tangible personal property that I own at my death, to my three children, Bonnie Hobbs, Deborah Butler, and Jordan Franklin Litsey, Jr., in shares of substantially equal value, to be divided in such manner as they shall agree or, if they shall fail to agree upon a division within six months after the date of my death, as my personal representative shall determine. If any child shall predecease me, his or her share of my estate shall pass *per stirpes*.

2.3 Costs of Securing: All costs of safeguarding, insuring, packing, and storing my tangible personal property before its distribution and of delivering each item to the place of residence of the beneficiary of that item shall be deemed to be expenses of administration of my estate.

2.3 Residuary Estate: All the rest, residue and remainder of the property which I may own at the time of my death, real, personal and mixed, tangible and intangible, or whatever nature and wherever situated, including all property which I may acquire or become entitled to after the execution of this Will, including all lapsed legacies and devises and all life insurance payable to my estate, I give, bequeath and devise in fee to my three children, Bonnie Hobbs, Deborah Butler, and Jordan Franklin Litsey, Jr., *per stirpes*.

ARTICLE 3: SIMULTANEOUS DEATH

3.1 Beneficiary: If any beneficiary under this Will and I shall die under such circumstances that there is no sufficient evidence to determine the order of our death, or if such beneficiary shall die within a period of thirty (30) days after the date of my death, then all bequests, devises and provision made under this Will to or for the benefit of such beneficiary shall be void, and my estate shall be administered and distributed, in all respects, as though said beneficiary had not survived me.

ARTICLE 4: PERSONAL REPRESENTATIVE

4.1 Personal Representative Named: I name Jordan Franklin Litsey, Jr. personal representative of my Will. If my said personal representative should fail to qualify or cease to serve, I appoint Gregory Butler to serve as first alternate personal representative.

4.2 Waiver of Bond: I direct that any personal representative nominated by me to serve under this Will, whether original or successor, be permitted to qualify and serve without giving bond in this or any other jurisdiction.

ARTICLE 5: POWERS OF PERSONAL REPRESENTATIVE

The following general provision shall apply to my personal representative in addition to any others contained in this Will.

5.1 Waiver of Inventory, Reports, Accounting and Appraisal: I authorize my personal representative to administer and settle my estate without the necessity of filing an inventory or making any report or final settlement or accounting with any court to the extent permitted by law. I expressly waive appraisal of my estate.

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5.2 Powers: My personal representative has each power set forth in *Tennessee Code Annotated,* §35-50-110, which I incorporate by reference into this Will. Further, my personal representative shall exercise, in general, all power with respect to the property included in my estate which any individual would exercise in the management of similar property owned in his own right and not to be responsible for losses, if any, resulting from honest mistakes of judgment.

5.3 Realty: Except for real property specifically devised in this Will, I direct that all real property in my estate is to be administered as a part of the estate subject to the control of the personal representative; specifically including the right of sale.

ARTICLE 6: MISCELLANEOUS PROVISIONS

6.1 Advancements: I declare that such gifts and advancements as I may have made or may hereafter make, prior to the date of my death, to any beneficiary under this Will shall be in addition to, and not in satisfaction of, any legacies, portions or other benefits given them by my Will.

6.2 Minor Children: If any beneficiary is a minor at the time of my death, the personal representative may, in the personal representative's sole discretion, retain any part of the minor's share during his minority, or may deliver all or any part of the share to the guardian of the person or property of the minor or to the person with whom the minor resides or to the minor, or may sell all or any part of the minor's share and deliver the net proceeds to any such person without requiring any bond. The receipt of any such person for the property or proceeds shall discharge the personal representative irrespective of the age or other qualifications of such person.

6.3 Terms: Each of the following terms shall have the meanings as indicated:

6.3.1 Personal Representative: A reference to my personal representative includes each person or organization serving as the legal representative of my Will.

6.3.2 Gender, Plural: Any use of the masculine shall include the feminine, and the singular the plural, when such meaning is appropriate.

6.3.3 Per Stirpes: Whenever any distribution is to be made to designated issue on a *per stirpes* basis, the property shall be distributed to the persons and in the proportions that personal property of the named ancestor would be distributed under the laws of the State of Tennessee in force at the time stipulated for distribution if the named ancestor had died intestate at such time, domiciled in such state, not married, and survived only by such issue.

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6.4 Unclaimed Bequests: All bequests that are not claimed and paid within three (3) full years after the probate of this Will shall become null and void, and the sums unclaimed and unpaid shall revert to, and become a part of, my residuary estate.

ARTICLE 7: EXPENSES, TAXES, DEBTS

7.1 Funeral and Administration Expenses: My personal representative should pay my funeral expense (including the cost of a grave marker) and the expense of administering my estate from my residuary estate as soon as possible after my death.

7.2 Taxes and Expenses: All estate and inheritance taxes (including interest and penalties, if any), together with all administration expenses, 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, without apportionment.

7.3 Debts: My personal representative shall pay, subject to the other provisions of this Will, my lawful debts from my residuary estate.

IN WITNESS WHEREOF, I, Peggy Y. Litsey, have hereunto set my hand to this, my Will, in the sight and presence of the undersigned witnesses, who at my request and in my sight and presence, and in the sight and presence of each other, have subscribed their names as attesting witnesses, all on this 17 day of December, 2004. Furthermore, I have requested these attesting witnesses, pursuant to *Tennessee Code Annotated* §32-2-110, to make the Affidavit which is attached to this Will.

Peggy Y. Litsey

We, the undersigned attesting witnesses, do hereby swear and affirm that we witnessed the signing of the foregoing Will by Peggy Y. Litsey, who acknowledged the document to be her last will and testament, and which was signed in the sight and presence of each of us; and that we signed our own names as witnesses in the sight and presence of Peggy Y. Litsey, and in the sight and presence of each other, this the 17th day of December, 2004.

Patricia M. Gwin

Amanda Kay Gwin

P.G.

STATE OF TENNESSEE)
COUNTY OF WILSON)

We, **Patricia M. Gwin** and **Amanda Kay Gwin**, the undersigned attesting witnesses, after first being duly sworn according to law, make oath or affirm as follows:

1. That December (hereafter called "Declarant") signed the foregoing Will on the same date as the date of this Affidavit, and at the time of such signing Declarant informed us that she signed it as her Will.

2. That Declarant signed this Will when we were both in Declarant's sight and presence. Contemporaneously with the signing, Declarant requested us to sign the Will as her attesting witnesses, which we did in Declarant's sight and presence, and in the sight and presence of each other.

3. That Declarant is more than eighteen (18) years of age as of this date, and we are both more than eighteen (18) years of age. Further, in our judgment, Declarant is legally competent to make a Will.

Witness our hands this the 17th day of December, 2004.

Patricia M. Gwin

Patricia M. Gwin, Witness
1714 Valleyview Drive
Mount Juliet, Tennessee 37122

Amanda Kay Gwin

Amanda Kay Gwin, Witness
1714 Valleyview Drive
Mount Juliet, Tennessee 37122

Sworn to or affirmed and subscribed before me, a Notary Public in and for said County and State, this the 17th day of December, 2004.

NOTARY PUBLIC

My Commission Expires: November 23, 2008

JOHN T. GWIN
STATE OF TENNESSEE NOTARY PUBLIC
WILSON COUNTY

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 20 day of FEBRUARY , 2007 , in Case Number 07P293 between LITSEY JR., JORDAN FRANKLIN Petitioner, and LITSEY, PEGGY Y. 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 01 day of MAY 2007

RICHARD R. ROOKER, Clerk,

By Tommy King
Deputy Clerk

SEAL

