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Davidson County WILL
Recvd: 06/13/07 10:46 9 pgs
Fees:47.00 Taxes:0.00
20070613-0070779

LAST WILL AND TESTAMENT

OF

JEAN D. HERNANDEZ

P 408-06

I, JEAN D. HERNANDEZ, of Nashville, 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 heretofore made by me.

FILED FOR RECORD
2007 OCT 22 AM 10 22
KRISTY GANG
CLERK AND MASTER
LAWRENCE CO. TENN.

I

I direct that all my just debts, including my funeral expenses and the costs of administration, be paid out of my general estate by my Executors hereinafter named, as soon as practicable after my death. To this end, I authorize my Executors to sell any of my property, real, personal and mixed and to execute all conveyances necessary to effectuate such sale without obtaining an Order of Court to do so.

II

I wish to state that I am a widow and have two (2) living children, to wit: Patsy K. Merritte and V. Michael Fox; and one (1) deceased son, Garrett Brent Fox.

III

After payment of my just debts, including my funeral expenses and the costs of administration, I direct that all the rest, residue and remainder of my estate, real, personal and mixed, of every nature and wheresoever situated of which I may die seized and possessed, or to which I may be entitled, or of which I may have the power of testamentary disposition, control or appointment, shall be sold and converted to cash, and I direct said cash proceeds shall be distributed as fol

Jean D Hernandez

PAGE ONE OF MY LAST WILL AND TESTAMENT
JEAN D. HERNANDEZ

STATE OF TENNESSEE, LAWRENCE COUNTY.
I, the undersigned do hereby certify that I have carefully compared the foregoing with the original instrument and that it is a true and correct copy thereof.
This 30 day of October, 2007
ENTERED
CLERK & MASTER

MINUTE BOOK 102 PAGE 42-46
KRISTY GANG, CLERK & MASTER
BY: S. Workman

A. I give, devise and bequeath a one-third (1/3) share to my daughter, Patsy K. Merritte, per stirpes.

B. I give, devise and bequeath a one-third (1/3) share to my son, V. Michael Fox, per stirpes.

C. I give, devise and bequeath a one-sixth (1/6) share to my grandson, Kent Baker Fox, per stirpes.

D. I give, devise and bequeath a one-sixth (1/6) share to my great granddaughter, Kelli Marcelle Fox, and direct that said bequest shall be administered in Trust as hereinafter set forth.

IV

I hereby nominate, constitute, and appoint my grandson, Kent Baker Fox, as Trustee of any benefit or share my said great granddaughter, Kelli Marcelle Fox, shall be entitled to receive under the terms of this my Last Will and Testament. Said Trustee shall have the exclusive care and control of said beneficiary's share. I hereby excuse and exonerate the Trustee from giving bond or other security for the faithful discharge of his duties as such.

V

I give, devise and bequeath any benefit or share my said great granddaughter, Kelli Marcelle Fox, shall be entitled to receive under the terms of this my Last Will and Testament to my grandson, Kent Baker Fox, in Trust, for the use and benefit of said beneficiary. I direct that said Trustee shall have and exercise the exclusive management and control of my great granddaughter's share of my estate. Said Trustee is authorized to use such income and principal of the beneficiary's share as in his uncontrolled discretion is deemed necessary and proper for the support, education and welfare of said beneficiary, without leave of court. Further, said Trustee shall ex[illegible]retion and control of said Trust as hereinabove provi[illegible] the

Jean D. Hernandez

beneficiary, Kelli Marcelle Fox, attains the age of Twenty-one (21) years. Upon the said Kelli Marcelle Fox attaining the age of Twenty-one (21) years, said Trustee shall pay over and deliver to said beneficiary the balance then remaining in said Trust, both income and principal, absolutely. In the event Kelli Marcelle Fox dies before her Trust has been fully distributed to her, then, and in that event, I give, devise and bequeath the balance of said Trust, both income and principal to my grandson, Kent Baker Fox, if living; otherwise, to my daughter, Patsy K. Merritte, and my son, V. Michael Fox, equally, or all to the survivor of them.

I hereby excuse said Trustee from the making and filing of an inventory of said Trust, and further excuse the making and filing of any accounting or bond for the faithful discharge of his duties as such.

VI

In the event that any beneficiary under this Will shall die within thirty (30) days after my death, such beneficiary shall be deemed to have predeceased me, and I direct that the provisions of this Will shall be construed upon that assumption.

VII

I hereby nominate, constitute and appoint my daughter, Patsy K. Merritte, and my son, V. Michael Fox, Co-Executors of this my Last Will and Testament, and hereby excuse the making and filing of an inventory of my estate, and further excuse and exonerate them from giving bond or other security for the faithful discharge of their duties as such.

This my Last Will and Testament is typewritten on four (4) pages, including the attestation clause and signatures of witnesses, and is identified by my signature on each



Jean D Hernandez

IN WITNESS WHEREOF, I, JEAN D. HERNANDEZ, have hereunto set my hand to this, my Last Will and Testament, and declare and publish it as such in the presence of witnesses at Nashville, Tennessee, this 1st day of April, 1994.

Jean D Hernandez
JEAN D. HERNANDEZ

We the undersigned witnesses, do hereby state that the above and foregoing Will, was signed, published and declared by the Testatrix, JEAN D. HERNANDEZ, to be her Last Will and Testament in the presence of all of us at one and the same time and we, at her request and in her presence and in the presence of each other, have hereunto subscribed our names as witnesses, and we do hereby attest to the sound and disposing mind of said Testatrix and to the performance of aforesaid acts of execution and publication, at the place and on the date hereinabove set out.

WITNESS: Charles Haas

ADDRESS: Suite 1801 Parkway Towers
Nashville, TN 37219

William F. Wellington

1601 Parkway Towers
Nashville Tn 37219

Jean D Hernandez

A F F I D A V I T

STATE OF TENNESSEE)
)
COUNTY OF DAVIDSON)

We, the undersigned attesting witnesses to the Last Will and Testament of JEAN D. HERNANDEZ, at her request, do make and sign this Affidavit, stating:

That the said Last will and Testament was signed, sealed, published and declared by the Testatrix, to be her Last Will and Testament, in the presence of all of us at one and the same time; and that the Testatrix was more than eighteen (18) years of age; and we, at her request and in her presence and in the presence of each other, subscribed our names thereto as witnesses, and we do hereby attest to the sound mind and disposing memory of said Testatrix and to the performance for the said act of execution at the place and on the date hereinbefore set out.

That we are all more than eighteen (18) years of age.

This Affidavit is made pursuant to the provisions of T.C.A. Section 32-2-110, for the purpose of attaching the same to the Last Will and Testament of said Testatrix, for proof as to the execution of said Will.

Charles Haas

Thomas F. Hollingsworth

Sworn to and subscribed
before me this 1st, day
of April, 1994.

Carole B. Wilson
NOTARY PUBLIC

My Commission Expires: 9-16-95



IN THE PROBATE COURT FOR LAWRENCE COUNTY, TENNESSEE

In Re: Estate of JEAN DAVIS HERNANDEZ,	)	**No.** P 408-06
Deceased.	)	

FILED FOR RECORD
2006 OCT 6 AM 10 22
KRISTY GANG
CLERK AND MASTER
LAWRENCE CO. TENN

ORDER ADMITTING WILL TO PROBATE

This cause came on to be heard on the 28th day of September, 2006, before the Honorable Patricia McGuire, Judge of the Probate Court of Lawrence County upon the co-Conservators petition to establish proper recipient of the will of Jean Davis Hernandez, the responses of Patsy K. Merritte and of Victor Michael Fox, Jr. and Angela Kay Fox, by next friend, Tammy Lynn Turner; the petition of Victor Michael Fox, Jr. and Angela Kay Fox by next friend, Tammy Lynn Turner, to probate the will in common form; the testimony of the witnesses including Patsy K. Merritte; the affidavit of the subscribing witnesses attached to the will in accordance with the provisions of T.C.A. § 32-2-110; and the statements and arguments of counsel. The Court notes that all parties were either present, represented by counsel or in the case of Kelli Marcelle Fox, represented by the trustee of the testamentary trust in her behalf, her father, Kent Baker Fox. The parties announced in open court that they had agreed to consolidating the hearing on the two petitions and waived any issue regarding notice of the petition to probate the will of Jean Davis Hernandez.

Based on all of the above the Court finds that although Patsy K. Merritte was nominated in the will to serve as co-Executrix along with her half-brother, Victor Michael Fox, Sr., who was both an attorney and a certified public accountant, that she is clearly not qualified to serve as Executrix based on her physical health and her training and education. The Court further finds

ENTERED
MINUTE BOOK P2 PAGE 427-430
KRISTY GANG, CLERK & MASTER
BY: J. Workman

STATE OF TENNESSEE LAWRENCE COUNTY.
I, the undersigned Clerk & Master, do hereby certify the foregoing to be a true and correct copy of the original instrument filed in this office.
This 30 day of Oct, 2007
Sheila Workman
CLERK & MASTER

that the co-Conservators, Samuel K. Shackelford and C. Wayne Tomerlin, are already well acquainted with the assets and affairs of Mrs. Hernandez's estate and are both well positioned and well qualified to quickly and efficiently wind up the affairs of this estate.

Samuel L. Shackelford and C. Wayne Tomerlin, co-Conservators for the deceased, produced in open Court a paper-writing purporting to be the last will and testament of Jean Davis Hernandez, deceased, bearing the date of April 1, 1994, having the name Jean Davis Hernandez signed thereto as testator and being subscribed by Thomas F. Hollingsworth and Charla S. Haas, as attesting witnesses. Victor Michael Fox, Jr. and Angela Kay Fox, by next friend, Tammy Lynn Turner, petitioned that the said paper-writing be admitted to Probate and recorded as the Last Will and Testament of Jean Davis Hernandez, deceased.

It appearing from the affidavits of the subscribing witnesses to the will, Thomas F. Hollingswoth and Charla S. Haas, which affidavits were attached to the said paper-writing pursuant to Tenn. Code Ann. § 32-2-110; that each of the attesting witnesses did subscribe his or her respective name as an attesting witness to the said paper-writing; that the said paper-writing was written in the lifetime of Jean Davis Hernandez, deceased, and published, signed and subscribed by her in the sight and presence of the attesting witnesses as her last will and testament; that the said Jean Davis Hernandez was then of sound mind and disposing memory; and at her request, said attesting witnesses signed said paper-writing in her presence and in the sight and presence of each other on April 1, 1994.

It further appears that the said paper-writing bears the true signature of the said Jean Davis Hernandez; that her usual place of domicile at the time of her death was Lawrenceburg, Lawrence County, Tennessee; and that she died in Lawrenceburg, Lawrence County, Tennessee, on July 8, 2006, at the age of 87 years.



It is, therefore, ORDERED, ADJUDGED and DECREED that the said paper-writing is the true, whole and Last Will and Testament of Jean Davis Hernandez, deceased, and the same is hereby admitted to Probate as such, and it is hereby directed that the same shall be filed and recorded in the Office of the Clerk as such.

It is further ORDERED, ADJUDGED and DECREED that Cleve Weathers and William M. Harris, attorneys for petitioners, and Deborah K. Baucom, attorney for Patsy K. Merritte, are entitled to reasonable attorney fees payable from the estate for their services.

It is further ORDERED, ADJUDGED and DECREED that Samuel L. Shackelford and C. Wayne Tomerlin shall serve as co-Administrators of the Estate of Jean Davis Hernandez, and that upon their taking the oath prescribed by law for the faithful discharge of their duties and obtaining a surety bond in the amount of Two Hundred Thirty Thousand dollars, letters testamentary will issue to them.

Following the Court's ruling on who should serve as administrators for the estate and the admission of the said Will to probate, attorney for petitioners, Victor Michael Fox, Jr. and Angela Kay Fox, announced that he had no particular interest in serving as attorney for the estate and suggested to the Court that it would be appropriate and efficient if the co-Administrators also served as attorneys for the estate. There being no objection to their serving in dual capacities, the Court hereby approves the co-Administrators, Samuel L. Shackelford and C. Wayne Tomerlin, also serving as attorneys for the estate.

ENTER this the 6th day of October, 2006.

Patricia McGuire

PATRICIA MCGUIRE
PROBATE JUDGE

Submitted by:

CLEVE WEATHERS, BPR #2418
Bruce, Weathers Corley & Lyle
Attorney for Petitioners
AmSouth Center
315 Deaderick Street, 20th Floor
Nashville, TN 37238-2075
Phone: (615) 244-5432

WILLIAM M. HARRIS, BPR #18688
Attorney for Petitioners
234 Pulaski Street
P. O. Box 743
Lawrenceburg, TN 38464-0743
Phone: (931) 766-0580

Certificate of Service

I hereby certify that the foregoing Order Admitting Will to Probate has been sent by deposit in the United States Mail to Kent Baker Fox, 1016 Broadmoor Drive, Nashville, TN 37206; to Deborah K. Baucom, Attorney for Patsy Kay Merritte, 2840 Call Hill Road, Nashville, TN 37211; and to Samuel L. Shackelford and C. Wayne Tomerlin, Attorneys at Law, 336 Robbins Street, Lawrenceburg, TN 38464 on this the 30th day of September, 2006.

CLEVE WEATHERS

