Davidson County WILL
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RICHARD
D.C.

LAST WILL AND TESTAMENT
OF

Thomas Elmer McMurtry

I, **Thomas Elmer McMurtry**, of the Town of Old Hickory, County of Davidson, and State of Tennessee, which I declare to be my domicile, being of sound and disposing mind and memory, do hereby make, publish, and declare this to be my LAST WILL AND TESTAMENT, hereby revoking all Wills and Codicils at any time heretofore made by me.

FIRST: HEIRS ~ BENEFICIARIES

I am unmarried, my wife Willie May McMurtry pre-deceased me April 4, 1997. I have no children. I have enjoyed the friendship, company and affection of Lisa Dixon Siebel since she was 17 years old and worked for my wife. I consider her my daughter and she is the primary beneficiary under this my last will.

SECOND: PERSONAL REPRESENTATIVE

I nominate and appoint my dear friend Lisa Dixon Siebel, as Executrix of this, my will. If Lisa Dixon Siebel shall fail to survive me, shall decline to act, or having qualified shall, for any reason thereafter, cease to act, I nominate and appoint my attorney, Johnny Ellis as successor Executor in her place. The term "Executor" or "Executrix" may be used interchangeably as appropriate, and may also be identified as my "Personal Representative" in this my Last Will.

THIRD: BOND ~ INVENTORY & ACCOUNTING

I direct that no Executrix or other legal representative of my estate shall be required to furnish any bond or other security in any jurisdiction. I further waive inventory and accounting of my estate.

FOURTH: AUTHORITY of PERSONAL REPRESENTATIVE

I confer upon my Executrix all powers granted to fiduciaries under the laws of the state of Tennessee, and particularly under the statutory provisions contained in Tennessee Code section 30-1-101 et.sec. and section 35-50-110 all of which provisions are incorporated herein as if copied verbatim, whether my estate is administered in the state of Tennessee or elsewhere. These powers as set out in said statutes on the date of the execution of this my Will, are granted even should said statute be amended or repealed at the time of my death. In addition to the powers granted by law, I authorize my Executrix or other legal representative of my estate:

To mortgage , sell, encumber, pledge or lease any real property, or interest in real property owned by me at the time of my death, without the joinder of any beneficiary and at such price or under such terms as he/she shall see fit. I further

Thomas E. McMurtry
Thomas Elmer McMurtry

grant my personal representative the authority to execute any document necessary to accomplish or complete any such sale, mortgage, encumbrance, pledge or lease.

FIFTH: PAYMENT of EXPENSES

I direct my Executrix to pay all of my just debts, taxes, and last expenses, including my funeral expenses and the expenses of administration of my estate shall be paid by my Executrix as soon as practicable after my death. The Executrix shall pay all estate, inheritance and other death taxes which shall become payable by reason of my death as an expense of administration without apportionment.

SIXTH: PERSONAL PROPERTY

I give all tangible personal property, including, but not limited to, personal effects, automobiles, furniture, furnishings, household goods, clothing, and jewelry owned by me at the time of my death, to **Lisa Dixon Siebel.** I direct that any expenses incurred in obtaining possession, appraising, safeguarding, or delivering such property be paid from my estate as an administration expense.

SEVENTH: REAL PROPERTY

I am seized and possessed of real property located in Old Hickory Tennessee, known as 509 Old Hickory Boulevard. I give this property to **Lisa Dixon Siebel.**

EIGHTH: RESIDUARY ESTATE

All the rest, residue and remainder of my property, of every kind and nature and wheresoever situated, whether real property or personal property, cash, bank and investment accounts, insurance proceeds payable to my estate, and the like (my "residuary estate"), I give to **Lisa Dixon Siebel** or her heirs.

NINTH: SIMULTANEOUS DEATH

If any person who may be interested in my estate dies at the same time as I die or under such circumstances that there is insufficient evidence to determine which of us died first, then it shall be presumed that such person predeceased me.

TENTH: DEFINITIONS

Throughout this Will I direct that the term "give" shall be deemed to include the term "bequeath" or "devise" when appropriate.

Thomas E. McMurtry

Thomas Elmer McMurtry

IN WITNESS WHEREOF, I sign, seal, publish and declare this instrument as my Last Will and Testament on this 4 day of February, 2005 at Old Hickory, Tennessee.

Thomas E. McMurtry
Thomas Elmer McMurtry

The foregoing instrument, consisting of this and Two (2) preceding typewritten pages was signed, published and declared by Thomas Elmer McMurtry, the testator, to be his last will and testament in the presence of each of us and all of us together; and the testator, upon declaring this document to be his last will and testament, requested each of us to sign the same as attesting witnesses; and we thereupon signed our names hereto as such witnesses, in the presence of the testator, and in the presence of each other, on this 4 day of February, 2005. We further state that each of us believes that, at the time he executed the foregoing instrument, the Testator was of sound mind and memory, of lawful age, and did so execute it as his own free act and deed and not under the unlawful influence of any person.

Susan S. Hicks residing at: 1016 Andrew Donelson Dr.
witness Hermitage, TN 37076

Eddie Bellis residing at: 519 Old Hickory Blvd.
witness Old Hickory Tn. 37138

This Will was Prepared By:
L. Johnston Ellis, IV
Attorney at Law
306 Gay Street #200
Nashville, TN. 37201
johnny@ljelaw.com
615-256-5003 & 615-847-2000

Thomas Elmer McMurtry
Thomas Elmer McMurtry

AFFIDAVIT
OF
ATTESTING WITNESSES

STATE OF TENNESSEE }
COUNTY OF Davidson }

Thomas Elmer McMurtry, Susan L. Hicks, and Eddie Beene first being duly sworn, depose and say:

(1) That they are, respectively, the Testator and the Witnesses whose signatures appear on the attached or foregoing Will;

(2) That, on February 4, 2005, in the presence of each of the undersigned Witnesses, Thomas Elmer McMurtry signed his name to the attached or foregoing Will at the end thereof and each of the undersigned Witnesses saw the Testator sign the Will;

(3) That, at the time he signed the Will, the Testator declared the instrument so signed by him to be his Last Will and Testament;

(4) That each of the undersigned Witnesses, at the request of the Testator, and in his sight and presence, and in the sight and presence of each other, thereupon signed as a Witness thereto;

(5) That the Testator, at the time of the execution of the Will, was at least eighteen (18) years of age;

(6) That, in the opinion of each of the undersigned Witnesses, the Testator was, at the time he signed the Will, of sound mind, memory and understanding;

(7) That, in the opinion of each of the undersigned Witnesses, the Testator was, at the time he signed the Will, under no restraint or in any respect incompetent to make a Will;

(8) That the Testator could read, write and converse in the English language;

(9) That the Testator was not suffering from any defect of sight, hearing or speech or from any physical or mental impairment which would affect his capacity to make a valid Will;

(10) That the Testator signed only one copy of the Will on such occasion.

(11) That each of the undersigned Witnesses was acquainted with the Testator or examined proof of Testator's identity at the time the will was witnessed.

Thomas Elmer McMurtry
Thomas Elmer McMurtry

Witness

Eddie Beene
Witness

Thomas Elmer McMurtry
Thomas Elmer McMurtry

STATE OF TENNESSEE }
COUNTY OF DAVIDSON }

Subscribed, sworn and acknowledged before me Leroy J. Ellis IV, a Notary Public, by Thomas Elmer McMurtry, the Testator, and by Susan L. Hicks, and Eddie Beene, Witnesses, this 4 day of February, 2005.

Notary Public

my commission expires 3-22-08

LEROY JOHNSTON ELLIS IV NOTARY PUBLIC AT LARGE DAVIDSON COUNTY, TENN.

My Commission Expires MAR. 22, 2008

Thomas E. McMurtry
Thomas Elmer McMurtry

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 17 day of MAY , 2007 , in Case Number 07P751 between SIEBEL, LISA DIXON Petitioner, and MCMURTRY, THOMAS ELMER 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 OCTOBER 2007

RICHARD R. ROOKER, Clerk,



By _____
Deputy Clerk