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RICHARD R. ROOKER, CLERK
07P-774

# LAST WILL AND TESTAMENT

## OF

## BARBARA A. DAVENPORT

I, Barbara A. Davenport, Social Security number 274-20-4066, a citizen and resident of 441 Westboro Drive, Nashville, Davidson County, Tennessee, do hereby make, publish and declare this to be my Last Will and Testament, hereby revoking any and all other Wills or Codicils by me at any time made.

FIRST: I nominate and appoint my sons, Hobart Grant Davenport, Jr. and Phillip Lee Davenport, to serve as Co-Executors without bond. In the event that either Hobart Grant Davenport, Jr. or Phillip Lee Davenport should predecease me or be otherwise unable to serve, then I direct the remaining son to serve individually without bond.

SECOND: I direct that all of my just debts, funeral expenses, costs of administration, and taxes, if any, be paid as soon as practicable after my death.

THIRD: The primary beneficiaries of my estate shall be my nine children, identified as Margaret Ann Jones, Hobart Grant Davenport, Jr., Benjamin Eric Davenport, Deborah Faye Davenport, Raymond Charles Davenport, Phillip Lee Davenport, Helen Marie Johnson, Mary Catherine Meadows, and David Douglas Davenport.

FOURTH: It is my intention to prepare a handwritten list for the guidance of my co-executors in distributing certain items of personal property to designated beneficiaries. If such a list, in my handwriting,

Davidson County WILL
Recvd: 11/07/07 14:07 6 pgs
Fees:32.00 Taxes:0.00
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signed by me, and dated after the date of execution of this will, should not be found with my will, or among my possessions within sixty (60) days following my death, it shall be presumed that no list was prepared.

FIFTH: I give, devise and bequeath my 1990 Lincoln automobile to my son, Raymond Charles Davenport.

SIXTH: I direct that my 2002 Ford Escort automobile shall be offered for sale to any of my children at blue book price. If more that one child desires to purchase the automobile, it shall be sold to the oldest child wishing to make the purchase. If none of my children desire to purchase said automobile, I direct that my co-executors sell the vehicle for the highest amount possible. The proceeds of sale of the 2002 Ford Escort shall be distributed by my co-executors as part of the residue of my estate.

SEVENTH: I leave my four cemetery lots at Mt. Olivet Cemetery to my sons, Hobart Grant Davenport, Jr. and Phillip Lee Davenport, as Co-Trustees, with authority in their discretion to permit any of my children to be buried there.

EIGHTH: I leave to my sons, Hobart Grant Davenport, Jr. and Phillip Lee Davenport, as Co-Trustees, my home at 441 Westboro Drive, Nashville, Davidson County, Tennessee and all contents of the home which belonged to me, including furniture, china, glassware, tools, lawn mower, and other similar furnishings but excluding any items distributed as specific gifts to beneficiaries

on a list prepared by me as described in Item Fourth above. The Co-Trustees shall permit the home to be occupied and the furnishings to be used by my son, Raymond Charles Davenport, and my daughter, Deborah Faye Davenport, for as long as they live and remain unmarried. During the occupancy of the home and use of the furnishings by Raymond Charles Davenport and Deborah Faye Davenport, either or both, the person(s) occupying the home shall be responsible for taxes, insurance and upkeep of the property. Upon the death, remarriage, or vacating the premises, by both Raymond Charles Davenport and Deborah Faye Davenport, the Co-Trustees shall sell the property for such price and upon such terms as they may deem reasonable, after which they shall divide the proceeds of sale of the house and contents among my nine children or their descendants, per stirpes, in equal shares. If at that time any child of mine shall have died, leaving no descendant living, then the share of such deceased child shall lapse, and the proceeds of sale shall be divided equally among my remaining children and/or their respective descendants.

NINTH: All of the rest, residue and remainder of my estate, of whatever kind or nature and wherever located, I leave in equal shares to my nine children or to the descendants of deceased children, per stirpes. In the event that any child of mine shall predecease me without being survived by a living descendant, the share of such deceased child shall lapse, and the distribution among the remaining beneficiaries shall be increased proportionately. In order to simplify the distribution of the residue of my estate, I authorize my co-executors to liquidate any and all assets included

in the residue of my estate and to collect all life insurance payable to my estate.

TENTH: I hereby incorporate by reference the provisions of T.C.A. § 35-50-110, to the extent that such authority and power may at any time be applicable, giving the Executor all such powers and authority as are set forth in the said code section.

IN WITNESS WHEREOF, I have hereunto set forth my hand on this 17th day of February, 2004, and do publish and declare this to be my Last Will and Testament, in the presence of each and all of the subscribing witnesses, whom I have requested to act as such by signing the Attestation Clause and Affidavit below pursuant to the provisions of Tennessee Code Annotated, § 32-2-110.

Barbara A. Davenport

Barbara A. Davenport

Signed and published in our presence, and we have subscribed our names hereto in the presence of the Testator and in the presence of each other on this 17th day of February, 2004.

George H. Cate, Jr.

WITNESS

Trisha A. Collins

WITNESS

STATE OF TENNESSEE )
COUNTY OF DAVIDSON )

We, the undersigned, after being duly sworn or affirming, make oath or affirm that the foregoing Last Will and Testament was signed by Barbara A. Davenport, and at that time acknowledged, published and declared by her to be her Last Will and Testament, and in the sight and presence of us, the undersigned, and who at her request and in her presence and in the sight and presence of each other, have subscribed our names as attesting witnesses on this 17th day of February, 2004, and we further make oath or affirm that the Testatrix is of sound mind and disposing memory, and we believe him to be so, and did not appear under the influence of any person, and was more than 18 years of age; and that each of the attesting witnesses is more than 18 years of age.

George H. Cate, Jr.
WITNESS

Trisha A. Collins
WITNESS

Sworn and subscribed before me this 17th day of February, 2004.

Susan Longoliver
NOTARY PUBLIC

My commission expires: 9-30-06




This instrument prepared by: GEORGE H. CATE, JR., ATTORNEY
95 White Bridge Road
Suite 503, Cavalier Building
Nashville, TN 37205
615/352-8677

Davidson County
P.O. Box 196303
Nashville, Tennessee 37219-6303

STATE OF TENNESSEE

**RICHARD R. ROOKER**
Circuit Court Clerk
1 Public Square, Room 302
615-862-5181

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 15 day of MAY , 2007 , in Case Number 07P774 between DAVENPORT JR., HOBART GRANT ET.AL Petitioner, and DAVENPORT, BARBARA A 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 31 day of OCTOBER 2007

**RICHARD R. ROOKER,** Clerk,

By _____ Deputy Clerk

SEAL