IN THE SEVENTH CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE
(PROBATE DIVISION)

2007 DEC -6 AM 10: 54

RICHARD R. ROOT, CLERK

D.C.

IN RE:
THE ESTATE OF
WILLE MAE EWIN,
Deceased

CASE NO. 07P846

ODESSA H. KIDD,
GAIL R. KIDD
NETTIE J. KIDD
Joint-Petitioners

Davidson County ORDER
Recvd: 12/11/07 15:20 5 pgs
Fees:27.00 Taxes:0.00
20071211-0142997

ORDER OF PROBATE

Based on an examination of the Petition, the decedent's last Will, the affidavits of the subscribing witnesses, the sworn testimony of the Petitioners and representations of counsel on December 6, 2007, the Court finds the following:

A. Decedent, Willie Mae Ewin was a resident of Davidson County, Tennessee;

B. Decedent died on June 23, 2005, at Nashville Tennessee, at the age of eighty-six (86);

C. Decedent left a will dated September 11, 1984, which was properly signed, declared, published and witnessed;

D. The attesting witnesses to the decedent's Will are Louise Lester and Willie House. The attesting witnesses signed an affidavit at the time of the decedent's execution of her Will, in accordance with TCA §32-2-110;

E. Paragraph IX of decedent's Last Will and Testament names Mrs. Odessa H. Kidd, decedent's sister, as Executrix and she was excused from bond for the performance of her duties;

F. The total value of the decedent's estate is substantially less than the statutory exemptions fixed by law as in effect for State Inheritance Tax and the Federal Estate Tax at the time of decedent's death;

G. The Last Will and Testament of Willie Mae Ewin was presented for Probate as a muniment of title for the purpose of the transfer of title and the vesting of title to the following properties of Willie Mae Ewing and not for administration of her estate which is not deemed to be necessary;

1. A house at 1115 Jackson St., Nashville, TN 37208. The Legal Description is Lot 18 Johnson Bransford Sub McNairy 035 x100. The Parcel Identification number is 092 04 0 231.00. This property passed to Mrs. Odessa Kidd, decedent's sister, Gail R. Kidd, Nettie J. Kidd, Darlene B. Jordan, and Vanessa M. Kidd, decedent's nieces, as beneficiaries under decedent's Will, with Mrs. Odessa Kidd was given a lifetime interest in the property as follows:

   "... from the net proceeds of the sale of said realty, my sister shall take her lifetime interest there from and distribute the remaining monies equally, share and share alike, to those of her natural born children then living."

2. A Lot at 518 Mead Ave., Nashville, TN 37207. The Legal Description is Lot 245 Scruggs Brooklyn Heights 040 x 140 as recorded in Book 332, page 140 of the Register's Office of Davidson County, Tennessee. The Parcel Identification Number is 071 05 0136.00. This property passed to Gail R. Kidd, Nettie J. Kidd, Darlene B. Jordan, and Vanessa M. Kidd.

H. Additionally, the Last Will and Testament of Willie Mae Ewin was presented for Probate to determine Mrs. Odessa Kidd's amount of lifetime interest in the real property at 1115 Jackson St., Nashville, TN 37208.

I. The Expert Witness Report concluded that the estimated fair market value of the life estate provided to Ms. Odessa Kidd in the property at 1115 Jackson St., Nashville, TN 37208, as of June 23, 2005 is $87,409."

J. With a basis of approximately $88,000 for the fair market value of the property at 1115 Jackson St., Nashville, TN 32708, the percentage attributable to Mrs. Kidd's life estate would be approximately 99.33 percent of the total property value.

K. An affidavit required by TCA § 75-5-116 states that decedent was not enrolled in TennCare and does require the filing of a release from the Bureau of TennCare.

L. Since probate was begun more than twelve (12) months following the decedent's death notice to creditors is not required.

BASED ON THESE FINDINGS, THE COURT ORDERS THE FOLLOWING:

1. The affidavit of the subscribing witnesses and testimony of the witnesses regarding the authenticity of the decedent's Will be accepted by the Court so the Will may be approved and established, the probate of the Will be granted and the same ordered for record.

2. The Last Will and Testament of the decedent be admitted to probate as a muniment of title only for the purpose of the transfer of title and the vesting of title to the properties of Willie Mae Ewing listed above in G. (1) & (2)

and not for administration of her estate which is not deemed to be necessary.

3. The Clerk is hereby directed to file and record the Last Will and Testament of Willie Mae Ewin as a muniment of title evidencing specifically the transfer to of property, the title thereto being vested accordingly in Mrs. Odessa Kidd, decedent's sister and Gail R. Kidd, Nettie J. Kidd, Darlene B. Jordan, and Vanessa M. Kidd, all of whom are beneficiaries under decedent's Will, with full rights to the property as stated under the Will and with Mrs. Odessa Kidd being given a lifetime interest in the property listed in G. (1) above as follows:

> "... from the net proceeds of the sale of said realty, my sister shall take her lifetime interest there from and distribute the remaining monies equally, share and share alike, to those of her natural born children then living."

4. Mrs. Odessa Kidd's lifetime interest in the life estate of the real property at 1115 Jackson Street shall be valued at 99.33% of the net proceeds from the sale of the property.

5. When the property at 1115 Jackson Street is sold the Petitioner, Ms. Odessa Kidd's lifetime interest of 99.33% shall be taken from the net proceeds of the sale of the property and distribute the remaining equally to the remaining beneficiaries, Gail R. Kidd, Nettie J. Kidd, Darlene B. Jordan and Vanessa M. Kidd.

6. The Clerk is hereby directed to file and record the Last Will and Testament of Willie Mae Ewin as a muniment of title evidencing specifically the transfer to of property, the title thereto being vested accordingly in Gail R. Kidd, Nettie J, Kidd, Darlene B. Jordan and Vanessa M. Kidd to the property listed in G. (2) above with full rights to the property as stated under the Will.

7. The property at 518 Mead Ave., Nashville, TN 37207 with the Legal Description of Lot 245 Scruggs Brooklyn Heights 040 x 140 as recorded in Book 332, page 140 of the Register's Office of Davidson County, Tennessee be titled in the names of the beneficiaries, Gail R. Kidd, Nettie J. Kidd, Darlene B. Jordan and Vanessa Kidd, with full rights to the property as stated under the Will.

8. The Order of Probate shall be recorded in the Office of the County Clerk as a permanent record of the title to the aforementioned properties listed in G. (1) & (2).

9. As probate was begun more than twelve (12) months after the decedent's death, notice to creditors is waived.

10. The requirement of filing a release from the Bureau of TennCare is waived.

11. Bond for the executrix is waived.

12. The beneficiaries are granted any further relief to which they may be entitled to in the real property.

13. The Petitioners be granted any additional relief that the Court deems proper under the circumstances.

Entered this 6th day of December, 2007.

Judge Randy Kennedy

Approved for entry:

Charisse Kendricks (BPR #024854)
Attorney for Joint-Petitioner, Odessa Kidd
Kendricks Law Office
101 Kiowa Trail
Madison, TN 37115
(615) 868-6835

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 ORDER heretofore entered in the SEVENTH Circuit Court for Davidson County, Tennessee, on the 06 day of DECEMBER , 2007 , in Case Number 07P846 between KIDD, ODESSA H Petitioner, and EWIN, WILLIE MAE 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 11 day of DECEMBER 2007

RICHARD R. ROOKER, Clerk,

By _____
Deputy Clerk

