Davidson County DEEDWARR
Recvd: 04/18/08 14:00 8 pgs
Fees:42.00 Taxes:0.00
20080418-0039673

MAIL TAX NOTICES TO
NEW OWNER(S)AT: John E. Toney, Jr., et ux.
107 Wayne Court
Hendersonville, TN 37075

Map & Parcel No. 142-5-C 12

Prepared from information provided by the parties hereto without the benefit of a title search or title insurance. Preparer is not the person closing this transfer, and parties agree that preparer shall not be responsible for reporting this transfer pursuant to the Internal Revenue Code or other applicable law or regulation.

This Instrument Prepared by: Cindy S. Smith, P.C.; Attorney at Law; P.O. Box 292004; Nashville, TN 37229

DEED TO CREATE TENANCY BY THE ENTIRETY:

FOR AND IN CONSIDERATION of the love and affection we have for each other, and in order that title to the property hereinafter described may be vested in us as tenants by the entirety, I, the undersigned, **John E. Toney, Jr., Grantor,** do hereby transfer and convey unto **John E. Toney, Jr., and wife, Sheila G. Toney,** their heirs and assigns, forever, all of my interest in and to a certain parcel of real estate situated in Davidson County, Tennessee, and being further described as follows, to-wit:

> Unit No. X-402, together with the Carport designated No. X-402-C, in River Plantation, Section Four, A Condominium, a Horizontal Property Regime, located on Todd Preis Drive, Nashville, Davidson County, Tennessee, as shown on the plat of River Plantation, Section Four, Condominium Apartments, recorded in Book 4860, Pages 17, 18, and 19, of the Register's Office for Davidson County, Tennessee, and described in a Master Deed, recorded in Book 4892, Page 440, amended in Book 4956, Page 756, of the Register's Office for Davidson County, Tennessee, to which reference is hereby made. The easements, restrictive covenants, conditions, and regulations imposed upon and relating the property, apartments, co-owners, and tenants of River Plantation, Section Four, Condominium Apartments, contained in the Master Deed and the By-Laws appended thereto, recorded in Book 4892, Page 456, of the Register's Office of Davidson County, Tennessee, are incorporated in this deed by reference and made a part hereof the same as though copied herein.
>
> Being the same property conveyed to Carol E. McKinnon, single, by Warranty Deed dated August 6, 1976, from Haury and Smith Contractors, Inc., in Book 5055, Page 381, Register's Office for Davidson County, Tennessee. Carol E. McKinnon died testate on November 16, 2007. By virtue of her Last Will and Testament, she devised the subject property to John E. Toney, Jr., as approved by Order of Probate Without Formal Administration, Docket No. 08P-444, entered on April 2, 2008. See Order of Probate Without Formal Administration attached hereto as Exhibit A. See Last Will and Testament of Carol E. McKinnon attached hereto as Exhibit B.
>
> This is improved property known as 1044 Todd Preis Drive, Nashville, TN 37221 (formerly known as Unit No. X-402, 925 Todd Preis Drive, Nashville, TN 37221).

TO HAVE AND TO HOLD said real estate unto the said John E. Toney, Jr., and wife, Sheila G. Toney, their heirs and assigns, forever, so that title shall be vested as tenants by the entirety in John E. Toney, Jr., and wife, Sheila G. Toney, in accordance with the laws of the State of Tennessee including but not

limited to Tennessee Code Annotated, Section 66-1-110.

It is the Grantor's intention by this instrument to create an estate by the entireties in and to the entire interest in the herein described property previously held by the Grantor.

WITNESS MY HAND, this 18th day of April 2008.

John E. Toney Jr.
John E. Toney, Jr.

STATE OF TENNESSEE
COUNTY OF DAVIDSON

Personally appeared before me, the undersigned authority, a Notary Public in and for said county and state, the within named John E. Toney, Jr., with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence) and who acknowledged that he executed the foregoing instrument (DEED TO CREATE TENANCY BY THE ENTIRETY) for the purposes therein contained.

WITNESS MY HAND AND OFFICIAL SEAL, at office this the 18th day of April 2008.

CINDY S. SMITH STATE OF TENNESSEE NOTARY PUBLIC DAVIDSON COUNTY, TENN.

NOTARY PUBLIC
My commission expires: 11-14-2009

My Commission Expires NOV. 14, 2009

I hereby swear or affirm that there was NO CASH CONSIDERATION given for this transfer.

John E. Toney Jr
AFFIANT

SWORN to and subscribed before me, this the 18th day of April 2008.

NOTARY PUBLIC
My commission expires: 11-14-2009

CINDY S. SMITH STATE OF TENNESSEE NOTARY PUBLIC DAVIDSON COUNTY, TENN.

My Commission Expires NOV. 14, 2009

Msword/Toney TBE QCD

Exhibit A

IN THE SEVENTH CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE
(Probate Division)

2008 APR -2 AM 10: 17

IN RE:

THE ESTATE OF CAROL E. McKINNON,

D.C.

Deceased

No. 08P-444

ORDER OF PROBATE WITHOUT FORMAL ADMINISTRATION

BE IT REMEMBERED, this 2nd day of April 2008, before Judge Randy Kennedy, a paper writing purporting to be the Last Will and Testament of the deceased, properly witnessed and duly executed by Carol E. McKinnon, was admitted into probate as the Last Will and Testament of the deceased.

IT APPEARING from the affidavits or testimony provided that the paper writing was written during the lifetime of the deceased, signed by the witnesses in the presence of and at the request of the deceased, in the presence of each other and as attesting witnesses thereto.

IT FURTHER APPEARING that said instrument was executed by the deceased as and for the Last Will and Testament of the deceased, who at the time of execution was of sound mind and disposing memory and whose usual residence was Davidson County, Tennessee, all of which is ORDERED, ADJUDGED AND DECREED, by this Court.

IT IS FURTHER, ORDERED, ADJUDGED AND DECREED, that the decedent had no personal estate to administer, therefore, no formal administration shall be required.

IT IS FURTHER, ORDERED ADJUDGED AND DECREED, that the Last Will and Testament of the deceased be admitted into probate for the limited purpose of establishing a muniment of title to real estate, and the Clerk is hereby directed to file and record same.

ENTER, this 2nd day of April 2008.

Judge Randy Kennedy

Approved for entry:

Cindy S. Smith #012800
Attorney for Petitioner
P.O. Box 292004
Nashville, TN 37229
(615) 871-4141

CERTIFICATE OF SERVICE

On the 2nd day of April 2008, a true copy hereof was placed in the U.S. Mail, first class postage prepaid, for delivery to the following persons:

1) John E. Toney, Jr., 107 Wayne Court, Hendersonville, TN 37075.
2) Kevin Matthew Herrell, 197 Spring Lake View, P.O. Box 315, Union City, TN 38281.
3) Gregory Dean Herrell, 197 Spring Lake View, P.O. Box 315, Union City, TN 38281.

Cindy S. Smith

let

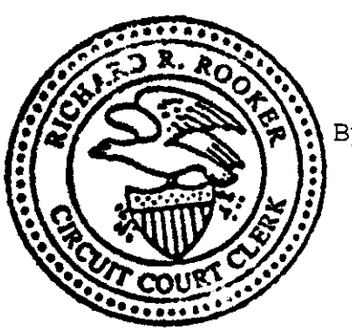
STATE OF TENNESSEE

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 02 day of APRIL , 2008 , in Case Number 08P444 between TONEY JR., JOHN E. Petitioner, and MCKINNON, CAROL E. 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 APRIL 2008

RICHARD R. ROOKER, Clerk,

SEAL



By _____

Deputy Clerk

Exhibit B

Last Will and Testament

OF

Carol E. McKinnon

I, Carol E. McKinnon, a resident of Davidson County, Tennessee, being of sound mind and disposing memory do publish and declare this to be my Last Will and Testament hereby revoking all Wills and Codicils heretofore made by me.

1. **PAYMENT OF DEBTS**. I direct that all my just debts, my funeral expenses, the expense of the administration of my estate, any estate inheritance or like taxes that may be imposed by reason of my death, be first paid by my Executor hereinafter named out of any funds coming into his hands as soon as practical after my death. My Executor in his sole discretion may pay from any domiciliary estate all of any portion of the costs of ancillary administration and any other similar proceedings in other jurisdictions.

2. **GIFT OF ENTIRE ESTATE TO HALF-BROTHER**. I hereby give, devise and bequeath outright and forever, all of the property whether real, personal or mixed and wheresoever situated of which I may die seized or possessed or over which I may have a power of appointment, to my half-brother John E. Toney, Jr.

3. **APPOINTMENT OF EXECUTOR**. I hereby appoint my half-brother, John E. Toney Jr., to be my Executor of this my Last Will and Testament. I direct that no bond or other security shall be required of the above-named Executor for the faithful performance of his duties. I authorize my Executor, in the exercise of reasonable discretion with respect to all property, real and personal at anytime forming a part of my estate, to exercise any and all powers set forth in Section 3 of Chapter 110 of the Tennessee General Assembly Act of 1963, Tenn. Code Ann. § 35-50-110, to the extent applicable, all of which provisions and powers are incorporated herein by reference as fully as if copied herein verbatim. These powers, as set out in said Statute on the date of execution of this Will, are granted not withstanding that said Statute may be amended hereafter or repealed at the time of my death.

4. **USE OF GENDER AND NUMBER**. Whenever used within this Last Will and Testament, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

5. **PERPETUITIES**. If any portion of this Last Will and Testament violates the rule against perpetuities then that portion shall be deleted as necessary and the remaining portion of this Last Will and Testament shall be treated as valid and as if the rule against perpetuities had not been violated.

Carol E. McKinnon
TESTATRIX

The foregoing instrument, consisting of this and 1 preceding pages, was on this 29th day of April, 1993 subscribed on each page and at the end thereof by ,Carol E. McKinnon, the testatrix and by her signed, sealed, published and declared to be her Last Will and Testament, in the sight and presence of us and each of us who thereupon, at her request, in her presence, and in the presence of each other, have subscribed our names as attesting witnesses the day and date above written.

Sally P. Shea
NAME

2525 Lebanon Rd
ADDRESS 37214

Debra K. Phillips
NAME

2525 Lebanon Rd, Nash. TN
ADDRESS 37214

Carol E. McKinnon
TESTATRIX

AFFIDAVIT

Sally P. Shaw and Debra K. Phillips being duly sworn, do depose and say that they witnessed the Will of Carol E. McKinnon and subscribed the Will in her presence and in the presence of each of us at the request of Carol E. McKinnon, that she appeared to be of full age and of sound and disposing mind and memory and competent to make testamentary disposition of real and personal property; that she voluntarily signed her Will and declared it to be her Last Will and Testament in the presence of the subscribing witnesses and that this Affidavit is made at the request of the Testatrix.

Sally P. Shaw
NAME

2525 Lebanon Rd
ADDRESS
37214

Debra K. Phillips
NAME

2525 Lebanon Rd, Nash. TN
ADDRESS
37214

Sworn to and subscribed before me this 29th day of April, 1993.

Anthony N. Bowers
NOTARY PUBLIC

A:\April-McKinnon

My Commission Expires:
3-23-96

Carol E. McKinnon
TESTATRIX

Let