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RICHARD R ROOKER, CL
07D-1819

Davidson County WILL
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LAST WILL AND TESTAMENT

OF

MARY CARLEEN McMURTRY HOFSTETTER

I, **MARY CARLEEN McMURTRY HOFSTETTER**, of Nashville, Davidson County, Tennessee, being of sound mind and disposing memory, do hereby make and publish this my Last Will and Testament. I do hereby revoke any and all wills by me heretofore made.

ITEM I: I direct that all my lawful debts, including my funeral expenses and the costs of my last illness be paid by my Executrix as soon as practicable after my death.

ITEM II: I give, devise and bequeath any stocks which I might own at the time of my death to my grandchildren, **George Bradford Hofstetter, Sarah E. Adgent Drennon, Margaret A. Adgent, Heather Marie Hofstetter, John Bryant Hofstetter, Elizabeth C. Elcan, Caroline M.M. Elcan, Joseph Galean Elcan,** to be divided among them equally.

ITEM III: I hereby devise and bequeath to my four children, **JOHN CRADDOCK HOFSTETTER, JR., GEORGE BERNARD HOFSTETTER, MARY BETH ADGENT, and KATHERINE MARIE ELCAN,** all the rest, residue and remainder of my estate which I may own at the time of my death, real or mixed, tangible or intangible, of whatsoever nature, and wheresoever situated, to be divided among them equally.

ITEM IV: I nominate and appoint **MARY BETH ADGENT** and **KATHERINE MARIE ELCAN**, as Co-Personal Representatives of this my Last Will and Testament, and I direct that no bond be required of any of them for the faithful performance of their duties. In the event that any of said individuals shall be unable or unwilling to serve as personal representative, or ceases to serve after being appointed, I direct that the other ones or other shall serve as co-personal representatives or sole personal representative as the case may be, without bond.

To the extent permitted by applicable law, my personal representatives shall not be required to file an inventory or any accountings with respect to the performance of the personal representatives' duties.

ITEM V: I authorize my personal representatives (including any substitute or successor personal representative) in the exercise of a reasonable discretion with respect to all property, real and personal, at any time forming part of my estate to exercise any or all of the powers set forth in T.C.A. § 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 the execution of this Will) are granted, notwithstanding that said statute may be amended hereafter or repealed at the time of my death.

ITEM VI: I direct that any real property which I own be administered as a part of my estate and be subject to the control of my personal representatives. My personal representatives shall have full authority and discretion to convey, improve, lease, encumber, or in any other manner deal with and administer any real property comprising an asset of my estate, without the approval of any court, the joinder of any beneficiary, or the disclosure of the identity of any beneficiary of my estate. Furthermore, for purposes of Tennessee Code Annotated, § 31–2–103, all such real property shall be deemed to be personal property following my death, subject to sale by my personal representatives, acting without joinder of any beneficiary, for the purpose of facilitating the distribution of my estate among the beneficiaries of this Will, as well as for the purpose of paying taxes, administrative expenses, and any other expenses or debts of my estate without first being required to exhaust all other personal property of my estate.

IN WITNESS WHEREOF, I have hereunto subscribed my name to this my Last Will and Testament, on this 16 day of April, 2001.

MARY CARLEEN McMURTRY HOFSTETTER

Signed by the said **MARY CARLEEN McMURTRY HOFSTETTER**, as and for her Last Will and Testament, in the presence of all of us, the undersigned, 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 attesting witnesses on the day and date last above written.

WITNESS

WITNESS

AFFIDAVIT PROVING WILL

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Before me, the undersigned Notary Public, personally appeared Mary Carleen McMurtry Hofstetter and, after being duly sworn, declared to me and the undersigned affiants, that the instrument to which this Affidavit is attached is her Will; that she is 18 or older; of sound mind and disposing memory and under no duress, compulsion or constraint and that she requested the undersigned affiants to witness her signing of her Will; and the undersigned affiants whose names are subscribed to the instrument to which this Affidavit is attached and, after being duly sworn, declared to me that, in their sight and presence Mary Carleen McMurtry Hofstetter signed, declared and published the instrument to which this Affidavit is affixed or annexed as the testator's will; and requested them to act as witnesses to its execution and to execute this Affidavit; that in the testator's sight and presence and in the sight and presence of each other, each affiant signed the instrument as witness and that the testator was at that time 18 years of age or over, was of sound mind and disposing memory, was fully capable of making a will and was under no duress, compulsion, or constraint.

Mary Carleen McMurtry Hofstetter, Testatrix

Subscribed and sworn to before me
this the 16 day of April, 2001.

NOTARY PUBLIC

My Commissions Expires: 7-28-2001

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 16 day of NOVEMBER , 2007 , in Case Number 07P1819 between ADGENT, MARY BETH ET.AL Petitioner, and HOFSTETTER, MARY CARLEEN MCMURTRY 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 09 day of JUNE 2008

RICHARD R. ROOKER, Clerk,

By _____
Deputy Clerk

SEAL

SEVENTH CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE

LETTERS TESTAMENTARY

07P1819

To MARY BETH ADGENT and KATHERINE MARIE ELCAN :

It appearing to the Court that MARY CARLEEN MCMURTRY HOFSTETTER has died leaving a written will, in which you are appointed Co-Executrixs, which has been duly approved by the Court; and you having been qualified according to law, and it having been ordered by said Court that Letters Testamentary issue to you.

These are, therefore, to empower you, the said MARY BETH ADGENT and KATHERINE MARIE ELCAN to enter upon the execution of said will, and take into your possession all of the property, and to make, within sixty days from this date, a perfect inventory thereof, and make due collection for all debts, and after paying all the just demands against the Testator, and settling up the business according to law, you will pay over and deliver the property and effects that may remain in your hands, and do all other things that may be required, according to the provisions of the said will and the laws of the land.

Witness Richard R. Rooker, Clerk of the Probate Court, at office this November 16, 2007 .

Richard R. Rooker,Clerk

_____D.C.

STATE OF TENNESSEE
DAVIDSON COUNTY

I, Richard R. Rooker, Clerk of the Probate Court of said County, do hereby certify that the foregoing is a true and perfect copy of LETTERS TESTAMENTARY, issued to MARY BETH ADGENT and KATHERINE MARIE ELCAN, Co-Executrixs of the estate of MARY CARLEEN MCMURTRY HOFSTETTER deceased, and I do further certify that MARY BETH ADGENT and KATHERINE MARIE ELCAN are still acting Co-Executrixs of the estate of MARY CARLEEN MCMURTRY HOFSTETTER, and acts as such are entitled to full faith and credit, as appears from the records in my office at Nashville, Tennessee.

Witness my hand and official seal, at this office this the 9th day of June, 2008.

Richard R. Rooker, Clerk

_____D.C.