3#9699- Y:\McDonald\Totty-Davidson County\Aff of Inhrt.wpd

THIS INSTRUMENT PREPARED BY:
N. DARRELL BRIDGES, ATTORNEY
25 PATTEN PARKWAY
CHATTANOOGA, TN 37402

Davidson County AFFIDAVIT
Recvd: 08/04/08 08:28 6 pgs
Fees:32.00 Taxes:0.00
20080804-0079594

New Owner: **John Mark McDonald**
Send Tax Notice to: **John Mark McDonald**
725 Battery Place
Chattanooga, TN 37403

Map & Parcel No.: **072-15-0-212.00**

AFFIDAVIT OF INHERITANCE (REAL ESTATE)

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

The undersigned, being duly sworn, depose and say:

Lucille G. Totty (f/k/a Lucille G. McDonald) (the "Decedent"), the owner of the following described real estate:

Map No. 072-15-0-212.00

Address: 1605 Riverside Drive, Nashville, Tennessee 37216

IN DAVIDSON COUNTY, TENNESSEE:

Being Lot No. Thirty-six (36) on the Map of Riverside Drive Subdivision, of record in Book 974, Pages 60 and 61, Register's Office for said County.

Said Lot No. Thirty-six (36) fronts 50 feet on the Easterly side of Riverside Drive and runs back between lines, 190 feet more or less on the Northerly line and 186.3 feet more or less on the Southerly line, to a dead line on which it measures 50 feet.

Being the same property conveyed to Frank B. Dunn and wife, Geneva Dunn, by deed from P. M. Estes, Trustee, of record in Book 1166, Page 474, said Register's Office.

REFERENCE is made for prior title to Deed of record in Book 2548, Page 387, in the Register's Office of Davidson County, Tennessee.

SUBJECT TO Governmental zoning ordinances and regulations in effect on the property.

SUBJECT TO Restrictions of record in Book 1165, Page 74, Register's Office for Davidson County, Tennessee.

died on June 9, 2006, in Davidson County, Tennessee.

THIS INSTRUMENT WAS PREPARED FROM INFORMATION PROVIDED BY THE PARTY(IES); PREPARER ASSUMES NO RESPONSIBILITY FOR THE STATUS OF TITLE.

The undersigned received the following described interest in the Decedent's real estate in accordance with the provision's of the Decedent's Last Will and Testament, a copy of which is attached hereto and made a part hereof. The undersigned is the son of the decedent. The other son of the Decedent, Oscar Henry McDonald, passed away January 19, 2008. In accordance with the provisions of Item II of said Last Will and Testament of the Decedent, Lucille G. Totty, the undersigned, John Mark McDonald, having survived his brother, Oscar Henry McDonald, is the owner of 100% of the fee simple title to the above-described property, subject only to an estate for the natural life or during his widowhood (i.e. terminable upon death or remarriage) of Ray B. Totty, widower of the Decedent, but subject to no other life estate or other subservient estate, remainder or right of reversion, in any other person or party. Said property acquired as aforesaid, is, therefore, presently owned as follows: **John Mark McDonald - 100% owner of said property in fee simple absolute; subject to a subservient estate in Ray B. Totty, terminable upon his death or remarriage**.

There are no debts or encumbrances remaining which are or might become a lien on said interest in real estate.

Further, Affiant saith not.

JOHN MARK McDONALD

Sworn to and subscribed before me this 31st day of July, 2008.

NOTARY PUBLIC
My Commission Expires: 10-6-2009

STATE OF TENNESSEE)
COUNTY OF HAMILTON)

Before me, Darrell Bridges, a Notary Public, duly appointed, commissioned and qualified in and for the State and County aforesaid, personally appeared **JOHN MARK McDONALD,** the within named bargainor, with whom I am personally acquainted or proved to me on the basis of satisfactory evidence to be the person described in the foregoing, who signed, sealed and delivered the foregoing instrument in my presence, and who, upon oath, acknowledged that he executed the foregoing instrument for the purposes therein contained as his free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal at my office in said County, on this 31st day of July, 2008.

DARRELL BRIDGES NOTARY PUBLIC AT LARGE HAMILTON CO. TN

Notary Public
My Commission Expires: 10-6-2009

LAST WILL AND TESTAMENT

OF

LUCILLE G. TOTTY

I, Lucille G. Totty, of Davidson County, Tennessee, being of sound mind and disposing memory and realizing the uncertainty of life, do hereby make and publish this my Last Will and Testament, hereby revoking all Wills and Codicils hereto by me at any time heretofore made.

ITEM I.

I hereby direct that all my just debts and funeral expenses be first paid out of my estate as soon as practicable after the time of my death.

ITEM II.

If my husband, Ray B. Totty, survives me, I devise to him for his natural life or during his widowerhood, my home at 1605 Riverside Drive, Nashville, Tennessee 37216, with all appurtenances and improvements used in connection therewith and upon his death or remarriage, I give and devise the same to my two (2) sons, Oscar Henry McDonald and John Mark McDonald or the survivor. In the event either son shall fail to survive me and my husband, the last surviving son shall take all of said real estate. I direct that my husband shall pay all charges during the term of his life incident to maintaining said property, including, without limitation, all assessments, insurance premiums, taxes and ordinary repairs. My husband shall not be required to file with any Court any inventory of the property herein devised as a life estate nor give any bond or other security for the safekeeping thereof.

ITEM III.

All the rest, remainder and residue of my estate, both real

and personal and of every kind and description, wheresoever situated, which I may own or have the right to dispose of at the time of my death, I give, devise and bequeath to my beloved husband, Ray B. Totty, absolutely and in fee simple.

ITEM IV.

In the event that my husband, Ray B. Totty, shall predecease me or in the event that my husband and I should die in a common accident or disaster under such circumstances as to render it impossible to determine who survived the other, then, and in that event, I give, devise and bequeath all of my property, real, personal and mixed, whe soever situated, to my two (2) sons, Oscar Henry McDonald, and John Ma McDonald in equal shares. In the event either son shall fail to survi me then the last surviving son shall take my entire estate.

ITEM V.

I nominate, designate and appoint my husband, Ray B. Totty, as my Executor of this my Last Will and Testament. I further direct that no bond or other security shall be required of my husband, Ray B. Totty, as Executor.

In the event my husband, Ray B. Totty, shall fail to survive me or shall fail to qualify, die, resign or cease to act for any reaso as Executor, then I nominate, designate and appoint my sons, Oscar Hen McDonald, a resident of Houston, Texas and John Mark McDonald, a resid of Chattanooga, Tennessee as Co-Executors without bond.

I hereby direct my Executor as herein named to do any and all things which in his opinion is necessary to complete the administrati and settlement of my estate, including full right, power and authorit to sell personal property, real estate, execute deeds, and to encumbe same if necessary and pay any legal debts with proceeds, without the order of any Court and upon such terms and conditions as he shall de best for the proper settlement of my estate. I further direct that

Executor not be required to make any reports, inventories or accounting to any Court not mandatory or required by law.

IN TESTIMONY WHEREOF I have executed this my Last Will and Testament on this the 30 day of October, 1986.

Lucille G. Totty
LUCILLE G. TOTTY - TESTATRIX

ATTESTATION CLAUSE

Signed by the said Lucille G. Totty, as and for her Last Will and Testament, in the presence of us, the undersigned attesting witnesses who, at her request and direction, and in her sight and presence, and in the sight and presence of each other, have hereunto set our hands as such witnesses the day and date above written.

WITNESSES:

(Signature) Joe L. Chalders

(Address) 4800 Charlotte Ave.
Nashville, Tennessee

(Signature) Arlene Parrish

(Address) 4800 Charlotte Ave.
Nashville, Tennessee

AFFIDAVIT OF WITNESSES TO PROVE WILL

STATE OF TENNESSEE

COUNTY OF DAVIDSON

Joe T. Childress and Adair Parrish,

of legal age and after being duly sworn and according to law, depose and say:

1. That they witnessed the execution of the Last Will and Testament of LUCILLE G. TOTTY dated October 30, 1986, to which this affidavit is attached, and that this affidavit is being made at the request of the Testatrix, and in accordance with Tennessee Code Annotated § 32- 2-110 .

2. That their signatures are affixed to said Last Will and Testament, that they signed or affixed the same at the instance and at the request of the Testatrix and in her sight and presence, and in the sight and presence of each other, at the place and on the date recited in said Last Will and Testament.

3. That the Testatrix signed said paper-writing as and for her Last Will and Testament in their sight and presence.

4. That at the time they witnessed said Last Will and Testament, the Testatrix was, in their opinion, of sound mind and disposing memory.

Joe T. Childress
Witness

Adair Parrish
Witness

Sworn to and subscribed before me this 30 day of Oct, 1986 at Nashville, Tennessee.

Notary Public
My Commission Expires: 9-28-87