IN THE SEVENTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
PROBATE DIVISION

FILED

2008 SEP 11 AM 11:15

RICHARD R. ROOKER, CLERK

D.C.

IN RE:	)	
	)	
THE ESTATE OF RETTA E. FLOYD,	)	
	)	
Deceased.	)	**NO. 08P-1395**
	)	
	)	
RICHARD FLOYD,	)	
	)	
Executor.	)	

Davidson County ORDER
Recvd: 09/12/08 08:24 6 pgs
Fees:32.00 Taxes:0.00
20080912-0093289

ORDER ADMITTING LAST WILL & TESTAMENT TO PROBATE FOR MUNIMENT OF TITLE ONLY

This cause came onto be heard on the 11th day of September, 2008, before the Honorable Randy Kennedy, Judge of the Seventh Circuit Court for Davidson County, Tennessee, Probate Division, upon the Petition of Richard Floyd, moving the Court to admit the holographic Last Will & Testament of Retta E. Floyd into probate for purposes of muniment of title only; the Affidavits of Marilyn Strother and Frances Dickie, confirming the handwriting and testamentary capacity of the decedent; the introduction of exhibits; the statements of counsel; and the entire record in this cause, from all of which the Court finds as follows:

1. The decedent, Retta E. Floyd, died in San Francisco, California, on May 4, 2008, at the age of sixty (60) years, leaving a holographic writing purporting to be her Last Will & Testament , bearing date of September 20, 1981;

2. Said Last Will & Testament nominates the Petitioner, Richard Floyd, the surviving spouse of the decedent, to serve as personal representative for the estate of the decedent, without bond;

3. The decedent did not leave a probate estate to be administered. This action is a

probate-only proceeding so that the decedent's Will can serve as a muniment of title to the decedent's interest in two (2) separate parcels of real property located in Nashville, Davidson County, Tennessee;

4. The estimated value of this Estate for Tennessee inheritance tax purposes is less than the maximum single exemption for Tennessee inheritance tax purposes;

5. The decedent, Retta E. Floyd, was married to the Petitioner, Richard Floyd, at the time of her death on May 4, 2008. The following individual constitutes the sole legatee and devisee under the Last Will & Testament of the decedent, Retta E. Floyd:

(1) Mr. Richard Floyd (Spouse)
144 San Felipe Way (Petitioner)
San Francisco, California 94127

6. The sole heir-at-law and next-of-kin of the decedent, Retta E. Floyd, is as follows:

(1) Mr. Richard Floyd (Spouse)
144 San Felipe Way
San Francisco, California 94127

7. There are no other interested parties in this cause, other than the Petitioner herein;

8. The Petitioner is not aware of any instrument revoking the document being offered for probate, and Petitioner has averred that the document being offered for probate is, in fact, the decedent's Last Will & Testament;

9. The decedent was not enrolled in the TennCare program at the time of her death; and

10. Based upon the foregoing, the Court is of the opinion that the Last Will & Testament of the decedent, Retta E. Floyd, executed on September 20, 1981, is the valid and true testamentary instrument in effect at the time of the decedent's death on May 4,

2008, and the same should be admitted into probate for the purpose of muniment of title only.

The foregoing being the findings of the Court, and the Court having so ruled,

It is therefore **ORDERED, ADJUDGED** and **DECREED** that the Petition to Probate Will for Muniment of Title Only, heretofore filed in this cause by the Petitioner, Richard Floyd, shall be, and the same is hereby **GRANTED**.

It is further **ORDERED, ADJUDGED** and **DECREED** that the Last Will & Testament of Retta E. Floyd, executed on September 20, 1981, shall be, and the same is hereby admitted into probate for purposes of muniment of title only, and the Clerk of this Court shall record said Will in the records of that Office accordingly.

It is further **ORDERED, ADJUDGED** and **DECREED** that the interest of the decedent, Retta E. Floyd, in and to the following described tract of real property located in Nashville, Davidson County, Tennessee, shall be, and the same is hereby vested in Richard Floyd, the legatee/devisee set forth in the Last Will & Testament of the decedent:

> "BEING Lot No. 78 on the Plan of Haywood Hills, Section 5, as of record in Book 4675, page 143, Register's Office for said County.
>
> SAID Lot No. 78 fronts 70.0 feet along the easterly margin of Algonquin Trail and extends back 119.3 feet on the northerly line and 119.5 feet on the southerly line to a dead line in the rear on which it measures 70.22 feet.
>
> BEING the same property conveyed to Virginia S. Eden, a single person, by warranty deed from Elmer Frank Johnson and wife, Bette J. Johnson, as of record in Book 5368, page 795, Register's Office for Davidson County, Tennessee.
>
> THE said Virginia S. Eden having died unmarried and intestate in Davidson County, Tennessee, on

December 15, 1979, and being survived by two (2) adult heirs-at-law, Marilynn Strother and Retta Eden Floyd.

BEING the same property conveyed pursuant to an Affidavit of Heirship as of record in Instrument # 20080729-0077477, Register's Office for Davidson County, Tennessee.

This is real property known as 4964 Algonquin Trail, Antioch, Tennessee."

It is further **ORDERED, ADJUDGED** and **DECREED** that the interest of the decedent, Retta E. Floyd, in and to following described tract of real property located in Nashville, Davidson County, Tennessee, shall be, and the same is hereby vested in Richard Floyd, the legatee/devisee set forth in the Last Will & Testament of the decedent:

"BEING Lot No. 79 on the Plan of Haywood Hills, Section 5, as of record in Book 4675, page 143, Register's Office for Davidson County, Tennessee.

SAID Lot no. 79 fronts 66.0 feet along the easterly margin of Algonquin Trail and extends back 153.1 feet on the northerly line and 119.3 feet on the southerly line to a broken line in the rear on which it has a total measurement of 72.38 feet.

BEING the same property conveyed to Virginia S. Eden, a single person, by warranty deed from Claude L. Stout, Jr., and wife, Martha R. Stout, As of record in Book 5264, page 382, Register's Office for Davidson County, Tennessee.

THE said Virginia S. Eden having died unmarried And single in Davidson County, Tennessee, on December 15, 1979, and having been survived by Two (2) adult heirs-at-law, Marilynn Strother and Retta E. Floyd.

BEING the same property conveyed pursuant to

An Affidavit of Heirship, as of record in Instrument # 20080729-0077477, Register's Office for Davidson County, Tennessee.

This is real property known as 4960 Algonquin Trail, Antioch, Tennessee."

It is finally **ORDERED, ADJUDGED** and **DECREED** that the costs of this cause shall be taxed to the Estate of Retta E. Floyd, for which execution may issue if necessary.

ENTER this 11th day of Sept, 2008.

HON. RANDY KENNEDY, JUDGE

APPROVED FOR ENTRY:

WARE & BOONE

THOMAS H. WARE (BPR # 11179)
Attorney for the Executor
404 James Robertson Parkway
1800 Parkway Towers
Nashville, Tennessee 37219
(615) 242-8107

RICHARD R. ROOKER CIRCUIT COURT CLERK

I certify that this is a true copy of the document filed in my office this 11 day of SEPT 2008

RICHARD R. ROOKER, CLERK

Deputy Clerk

CERTIFICATE OF SERVICE

I hereby certify that I have not forwarded a copy of the foregoing Order to any other individuals, inasmuch as the Executor herein is the sole interested party in this proceeding.

Thomas H. Ware