Davidson County AFFIDAVIT
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THIS INSTRUMENT PREPARED BY:
Mitchell A. Watts, Attorney
2400 Crestmoor Road Suite 102
Nashville, Tennessee 37215

AFFIDAVIT OF HEIRSHIP

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Don Austelle, hereinafter referred to as the "Affiant", being first duly sworn, makes oath as follows:

1. That Affiant resides at the following address:
4100 Baldwin Arbor, Nashville, TN 37215;

2. That Affiant personally knew Russell T. Wingo (hereinafter referred to as the "Decedent") and has personal knowledge of the family of Decedent by reason of the following: family friend
(e.g., kinship, neighbor, business relationship, etc.);

3. That Affiant knew that at date of death Decedent owned an interest in the following described real estate in Davidson County, Tennessee:

266 Glenstone Circle
Brentwood, Tennessee 37027

4. That Decedent died on September 7, 2005, and was at the time a resident of Davidson County, Tennessee;

5. That Decedent died leaving a duly executed Last Will and Testament but said Will was not admitted to probate (See attached Exhibit "A" for a copy of the Will).

6. That

- ☐ A. _____ was the surviving spouse of Decedent and the said surviving ☐ is ☐ is not presently living
- ☐ B. the Decedent's spouse, _____, predeceased the Decedent and died on _____, _____
- ☒ C. the Decedent was unmarried at the time of his death
- ☐ D. the Decedent never had children

7. That the following persons are ALL of the children born to or adopted by Decedent during Decedent's lifetime (List all children, living or deceased):

Russell T. Wingo, Jr.

_____ _____

8. If any child is deceased, list all the children (and age/s) of that deceased child (i.e. grandchildren)

Deceased child: _____ Deceased child: _____

Children of deceased child: Children of deceased child:

_____ _____

_____ _____

_____ _____

9. That the following persons are all the brothers and sisters of the Decedent, both living and deceased (complete if Decedent is NOT survived by spouse, children or parent):

_____

_____

9a. If any brother or sister is deceased, list all the children (and age/s) of that deceased brother or sister (i.e. nieces and nephews):

_____

_____

10. Additional information, if any, either known or understood to be true by Affiant:

_____

_____

_____

Further, Affiant sayeth not.

_____
Affiant

STATE OF TENNESSEE)
COUNTY OF DAVIDSON **)**

Before me, the undersigned, a Notary Public in and for the State and County aforesaid, personally appeared Don Austelle, the within named Affiant, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), who made oath that the statements contained in the foregoing Affidavit are true of Affiant's own knowledge and acknowledged that he/she executed the within instrument for the purposes therein contained.

Witness my hand and official seal this 6th day of November, 2008.

_____
Notary Public

My Commission Expires: 9/30/2009

MITCHELL A. WATTS
STATE OF TENNESSEE NOTARY PUBLIC
SUMNER COUNTY

Last Will and Testament

OF

RUSSELL T. WINGO

I, RUSSELL T. WINGO, domiciled in Nashville, Davidson County, Tennessee, do make, publish and declare this to be my last will and testament hereby revoking all wills and codicils heretofore made by me.

ARTICLE I

I direct that all of my just debts, funeral expenses (including the cost of a suitable monument at my grave), and the costs of administration of my estate be paid as soon as practicable after my death.

ARTICLE II

I direct that there shall be paid out of my residuary estate, without apportionment, all estate, inheritance, succession and other taxes if any, which may be assessed against my estate.

ARTICLE III

To Mrs. Virginia Rankin, my former mother-in-law, if she shall survive me, I bequeath the sum of Twenty-Five Thousand Dollars ($25,000.00).

ARTICLE IV

All the rest, residue and remainder of the property which I may own at the time of my death, real, personal and mixed, tangible and intangible, of whatsoever nature and wheresoever situated, including all property which I may acquire or become entitled to after the execution of this will, including all lapsed legacies and devises and all life insurance payable to my estate (which insurance proceeds may be used in payment of the debts, taxes and costs of adminstration of my estate), I bequeath and devise, in fee, to my son, Russell Theodore Wingo, Jr.

ARTICLE V

I appoint my good friend, Thomas M. Boyd to be the Executor of this my last will and testament and direct that no bond be required for the faithful performance of his duties. I vest my said Executor, or any substitute personal representative, with full power and authority to sell, transfer and convey any property, real or personal, which I may own at the time of my death at such time and price and upon such terms and conditions (including credit) as may be determined and to do every other act and thing necessary or appropriate to the complete adminstration of my estate.

I authorize my Executor (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 the powers set forth in Section 3 of Chapter 110 of the Acts of the Tennessee General Assembly of 1963, T.C.A. §35-618, 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.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name to this my last will and testament, consisting of this and one (1) preceding typewritten page , and for the purpose of identification I have signed each such page, all in the presence of the persons witnessing it at my request on this 16 day of November 1981, at Nashville, Tennessee.

Russell T. Wingo
RUSSELL T. WINGO

PAGE TWO OF MY WILL Russell T. Wingo

The foregoing instrument, consisting of this and two (2) preceding typewritten pages, was signed, sealed, published and declared by Russell T. Wingo, Testator, to be his last will and testament, in our presence, and we, at his request and in his presence and in the presence of each other, have hereunto subscribed our names as witnesses, this 16th day of November, 1981, at Nashville, Tennessee.

J. R. DeMarcus residing at Nashville, Tn

Carol Kay Smith residing at Ashland City, Tn

AFFIDAVIT

L. R. DeMARCO and R. KREIS WHITE

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

1. That they are adult citizens of Nashville, Davidson County, Tennessee.

2. That they witnessed the executions of the Last Will and Testament of Russell T. Wingo, dated 16th day of ~~October,~~ November, 1981, to which this affidavit is attached, and that this affidavit is being made at the request of the Testator, and in accordance with Tennessee Code Annotated, Section 32-211.

3. 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 Testator and in his presence, and in the presence of each other, at the place and on the date recited in said Last Will and Testament.

4. That the Testator signed said paper writing as and for his Last Will and Testament in their sight and presence.

5. That at the time they witnessed said will, the Testator was, in their opinion, of sound mind.

L. R. DeMarco

R Kreis White

STATE OF TENNESSEE)
)
COUNTY OF DAVIDSON)

Subscribed and sworn to before me this 16th day of November, 1981.

Helen T. Gonzer
Notary Public
Davidson County, Tennessee

My Commission Expires: 7/21/84

CODICIL NUMBER ONE

TO LAST WILL AND TESTAMENT

I, RUSSELL T. WINGO, a resident of Davidson County, Tennessee, being of sound mind and disposing memory, hereby make, publish and declare this as Codicil Number One to my Last Will and Testament ("my Will") previously executed by me on the 16th day of November, 1981.

This Codicil is for the purpose of (1) substituting a new Executor of my estate, and (2) reaffirming my Will and all provisions thereof with the exception only of the change made herein.

The following change is hereby made to my Will: the words ***"my friend, Thomas M. Boyd"*** are deleted from the first sentence of Article V, and the following substituted: ***"my son, Russell T. Wingo, Jr."***

I do hereby reaffirm that my Will as modified herein completely and accurately carries out my wishes regarding administration and disposition of my estate, and I do hereby ratify and confirm my Will and each and every provision, clause and condition thereof, subject only to the change incorporated therein as I have directed above.

IN WITNESS WHEREOF, I have hereunto set my hand on this 4th day of December, 2002.

Russell T. Wingo

RUSSELL T. WINGO, Testator

WITNESS SIGNATURE

SCOTT BONNER

WITNESS NAME PRINTED

WITNESS SIGNATURE

ERNEST D. BENNETT, III

WITNESS NAME PRINTED

Russell T. Wingo

Russell T. Wingo

STATE OF TENNESSEE)
)
COUNTY OF DAVIDSON)

We, the undersigned, after first being duly sworn or affirming, make oath or affirm that the foregoing Codicil Number One to his Last Will and Testament was signed by **RUSSELL T. WINGO,** as and for, and at that time acknowledged, published and declared by him to be Codicil Number One to his Last Will and Testament, in the sight and presence of us, the undersigned, who at his request and in his presence, and in the sight and presence of each other, have subscribed our names as attesting witnesses on this the 4th day of ~~October~~ December, 2002; and we further make oath or affirm that the Testator was of sound mind and disposing memory, and not acting under fraud, menace or undue influence of any person, and was more than 18 years of age; and that each attesting witness is more than 18 years of age.

Sworn or affirmed and subscribed to before me, this 4th day of December, 2002.

Kimberly D. Beaudin (Harp)
NOTARY PUBLIC

MY COMMISSION EXPIRES: ~~My Commission Expires~~ JAN. 25, 2003

THIS INSTRUMENT PREPARED BY:

Ernest D. Bennett, III, TN BPR #005277
Attorney at Law
909 Yearling Way
Nashville, TN 37221
Phone 615-370-6371

Russell T. Wingo
Russell T. Wingo