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THE SEVENTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
(PROBATE DIVISION) 2:29

Davidson County ORDER
Recvd: 12/03/08 12:13 5 pgs
Fees:27.00 Taxes:0.00
20081203-0117321

IN THE ESTATE OF:) CLERK

MELBA SUE SMOTHERS,)

) No: 08P-545

Deceased.)

ORDER CONSTRUING WILL AND PROVIDING INSTRUCTIONS TO ADMINISTRATOR CTA

This cause came on to be heard on the 5th day of June, 2008, before the Honorable Randy Kennedy, Probate Judge, upon the petition of Jeffrey M. Grissim, Administrator CTA, for construction of the Will and instructions of the Court in certain particulars. In consideration of the said petition, the testimony of Jeffrey M. Grissim in open court, the statements of counsel, and the entire record in this estate, the Court finds as follows:

1) The realty devised to Jeffrey M. Grissim by the Will of the decedent refers to her home at 246 Lauderdale Road, Nashville, Tennessee 37205, the legal description of which is as follows:

> Land in Davidson County, Tennessee, being Lot No. 19 of Block "C" on the Plan of Cherokee Park, Second Section, as of record in Book 547, pages 175 and 176, Register's Office for said County.
>
> Said Lot No. 19 fronts 65 feet on the southerly side of Lauderdale Road and runs back 193.46 feet on the westerly line and 183.84 feet on the easterly line to a dead line and measures 40 feet thereon. This property is improved and known as 246 Lauderdale Road,

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Nashville, Tennessee. Send tax statements to First Federal Savings, Union at Fourth Avenue, Nashville, Nashville, TN 37219.

Being property vested in John Rodman, by will of Edgar Rodman, as of record in Will Book 79, page 221, County Court Clerk's Office and by Will of Loretta Rodman, as of record in Will Book 79, page 226, County Court Clerk's Office, for said County.

Also being the same property conveyed to Melba Sue Smothers by Warranty Deed dated December 13, 1963 from John Rodman, of record in Book 3671, page 109, Register's Office for Davidson County, Tennessee.

2) The requirement contained in the Will that Jeffrey M. Grissim as devisee of the Lauderdale Road property, "pay any outstanding debts" refers only to obligations of the decedent at her death and does not include court costs, attorney's fees and other expenses of administration.

3) The cash bequest of $10,000 to "Peggy & Horace Ray Brandon" is to be construed as a joint bequest to the two named beneficiaries and not as a bequest of $10,000 to each the two persons so named.

4) The cash bequest of $10,000 to "Julie Ann & Cooper Wagoner" is to be construed as a joint bequest to the two named beneficiaries and not as a bequest of $10,000 to each the two persons so named.

5) In the absence of a residuary clause in the Will, the residue of the estate after the payment of taxes, cost of administration, claims, and specific bequests, should be distributed in accordance with the provisions of § 31-2-104(b)(3)

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Tennessee Code Annotated, passing to the issue of deceased brothers and sisters of the decedent taking by representation. These beneficiaries, with the fractional share of each beneficiary indicated, are identified as follows:

a) Peggy Brandon – 1/10th

b) Sara Greer – 1/10th

c) Barbara Harlan – 1/10th

d) Julia Ann Waggoner – 1/10th

e) William Cavender – 1/10th

f) Virginia Johnson – 1/4th

g) Billie Joe Jordan – 1/4th

6) Pending further administration of the estate, all other matters are reserved.

Entered this 23 day of June, 2008.

Randy Kennedy, Probate Judge

APPROVED FOR ENTRY:

George H. Cate, Jr.

GEORGE H. CATE, JR. (#2775)
Attorney for Petitioner
95 White Bridge Road
Suite 503, Cavalier Building
Nashville, TN 37205
615/352-8677

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Order was mailed, postage prepaid to the following persons or entities on this 16th day of June, 2008:

1. Peggy Brandon and Horace Brandon, 1196 Shaver Road, New Johnsonville, TN 37134
2. Sara Greer, 1007 Green Hills Drive, Paris, TN 38242
3. Barbara Harlan, 3429 Buchanan Street, Hollywood, FL 33021
4. Julie Ann Waggoner and Cooper Waggoner, 1392 Link Road, New Johnsonville, TN 37134
5. William Cavender, 217 Fitzpatrick Place, Nashville, TN 37214
6. Virginia Johnson, 3081 College Street, Milan, TN 38344
7. Billy Joe Jordan, 300 Poplar Springs Road, Huntington, TN 38344
8. First Baptist Church, 108 7th Avenue S., Nashville, TN 37203
9. Marvin Koch, 236 Lauderdale Road, Nashville, TN 37205
10. Evelyn Koch, 236 Lauderdale Road, Nashville, TN 37205
11. Jeff Grissim, 245 Lauderdale Road, Nashville, TN 37205

George H. Cate, Jr.

George H. Cate, Jr.

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 23 day of JUNE , 2008 , in Case Number 08P545 between GRISSIM, JEFF Petitioner, and SMOTHERS, MELBA SUE 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 03 day of DECEMBER 2008

RICHARD R. ROOKER, Clerk,

SEAL



By _____

Deputy Clerk