This Instrument Prepared By:
R. Francene Kavin
Bottorff & Kavin, PLC
155 Franklin Road, Suite 120
Brentwood, TN 37027

Davidson County AFFIDAVIT
Recvd: 03/05/09 08:58 3 pgs
Fees:17.00 Taxes:0.00
20090305-0019572

AFFIDAVIT OF HEIRSHIP

STATE OF TENNESSEE
COUNTY OF WILLIAMSON

Comes the Affiant, James Robert Talley, and having been duly sworn gives oath that:

1. I am an adult citizen and resident of Nashville, Davidson County, Tennessee, and I reside at 2208 Albion Street, Nashville, Tennessee 37209 (the "Property"). I am 69 years old, and I have resided in, and had knowledge of this property for approximately 57 of these years.

2. The Property was owned by my uncle, James H. Smotherman until his death in Nashville, Tennessee on or about June 10, 1951. He died intestate, and left surviving as his heirs at law his sisters, Carrie Mai Simmons and Ella R. Woods and my brother Jimmie C. Talley and me, James Robert Talley, his nephews and the only children of his deceased sister, Harriett Ellen Talley. At the time of his death, James H. Smotherman was not married, and he had no children.

3. The legal description of the Property is as follows:

> Being Lot No. 17 on the Map of the Subdivision of the west part of Lot No. 2 in the Harding Lytle Tract, of record in Book 974, page 52, Register's Office for said County. Said Lot No. 17 fronts 50 feet on the northerly side of Albion Street and runs back between parallel lines 166 feet to an alley.
>
> Being the same property conveyed to James H. Smotherman by deed from William Jesse Walker and wife, of record in Book 1416, page 173, Register's Office for Davidson County, Tennessee.
>
> It is improved property known as 2208 Albion Street, Nashville, Tennessee 37209.

4. My aunt, Carrie Mai (aka Mae) Simmons raised me, and was like a mother to my brother and me after the death of her sister, my birth mother, Harriett Ellen Talley. We lived in the Property with Carrie Mae Simmons and her husband, Curtis Simmons.

5. Ella C. Woods transferred the one-third (1/3) interest which she inherited from James H. Smotherman to Carrie Mai Simmons on August 3, 1951 by deed of record in Book 2019, page 211, Register's Office for Davidson County, Tennessee.

6. Jimmie C. Talley and his wife, Gwendolyn Talley transferred and conveyed the 1/6 interest which he inherited from James H. Smotherman to Carrie Mai Simmons and her husband, Curtis Simmons on April 2, 1966 by deed of record in Book 4007, page 581, said Register's Office. Jimmie C. Talley died in 1971, though the exact date is not known; he and his wife did not have any

children.

7. Curtis Simmons died on September 23, 1966. He and Carrie Mai Simmons had no children.

8. Carrie Mai Simmons lived in the Property as her residence until her health deteriorated and she was moved to Trevecca Nursing Home where she died on November 19, 2006 at the age of 97 years.

9. At the time of her death, Carrie Mai Simmons owned 5/6 undivided interest in the Property. Carrie Mai Simmons died intestate leaving me as her only heir-at-law. She was unmarried at the time of her death, and she had no children, other than my deceased brother, Jimmie C. Talley and me, whom she considered to be her sons.

10. On or about September 24, 2005, Carrie Mai Simmons executed a sworn statement for Johnson's House of Atena, 1107 Buchanan Street, Nashville, Tennessee 37208 as part of her funeral and burial preparation. The sworn statement is attached hereto as Exhibit "A" and is incorporated by reference as if fully and specifically set forth herein. In her sworn statement, Carrie Mai Simmons declared that she and I, James Talley (being one and the same person as James Robert Talley), are the only owners of the Property.

11. On July 18, 2006, Ressie McClain executed an Affidavit of Heirship concerning this Property and how it came to be owned by Carrie Mai Simmons as to a 5/6 interest and James Robert Talley as to a 1/6 interest. That Affidavit of Heirship is recorded in Instrument 20060719-0087135, said Register's Office.

12. I have continued to reside in the Property, and I offer this Affidavit of Heirship to clarify the interest which I inherited in the Property from my uncle, James H. Smotherman as to a 1/6 interest and the 5/6 interest in said Property which I inherited from Carrie Mai Simmons at the time of her death as her only heir-at-law.

Further, Affiant sayeth not.

James R Talley

James Robert Talley

STATE OF TENNESSEE
COUNTY OF WILLIAMSON

Personally appeared before me, the undersigned, a Notary Public in and for said county and state, the within named **James Robert Talley**, with whom I am personally acquainted, and who acknowledged, upon oath, that he executed the within instrument for the purposes therein contained.

Witness my hand and official seal this 25th day of February, 2009.

Notary Public

My Commission Expires: Nov 14, 2012

(1)

EXHIBIT "A"

September 23, 2005

To Whom It May Concern:

Please be advised that I paid to the joint owners on the deed to the property located at 2208 Albion Street a fair share to buy their interest out. My son, James Talley and I are now the only owners of said property.

Carrie Mae Simmons

Carrie Mae Simmons

State of Tennessee)
)
County of Davidson)

Subscribed to before me this 24 day of September, 2005.

Linda D. Johnson
Notary Public

My Commissions Expires: March 31, 2007

