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2009 APR 27 PM 1:14

RICHARD R ROOKER, CLERK

D.C.

LAST WILL AND TESTAMENT OF CATHERINE WELLS JOHNSON

I, Catherine Wells Johnson, a resident of and domiciled in Nashville, Davidson County, Tennessee, do make, publish and declare the following to be my Last Will and Testament, hereby revoking all prior wills and codicils made by me.

BILL GARRETT, Davidson County
Trans: T20090037354 WILL
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ARTICLE I

GENDER, SINGULAR USAGE, AND DEFINITIONS

1.1 **Gender Usage.** Any use of a specific gender includes the other.

1.2 **Singular Usage.** Any use of the singular includes the plural when appropriate.

1.3 **Definitions.** The term "fiduciary" or "fiduciaries" refers to my executrix named in the section 2.1.

ARTICLE II

FIDUCIARIES

2.1 **Executrix.** I appoint Sheron L. Randolph, currently of the State of Tennessee as executrix of my will.

ARTICLE III

PROVISIONS RELATIVE TO FIDUCIARIES

3.1 **Bond.** No bond is required of any fiduciary appointed under this will or by a court.

3.2 **Powers.** Any fiduciary appointed under this will has each power, duty, and discretion which is set forth in this will, as well as each duty, power or discretion contained in Tennessee Code Annotated, Section 35-50-110 as it exists at the time of the execution of this will.

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3.3 **Nonresident Fiduciary.** Should the state of any domicile at the time of my death require at least one fiduciary be a resident of the estate of my domicile, the named fiduciary may appoint a fiduciary to meet this requirement.

ARTICLE IV

PAYMENT OF DEBTS, EXPENSES, AND OF TAXES

4.1 **Funeral and administration Expenses.** My fiduciary shall pay my funeral expenses (including the cost of a grave marker) and the expenses of administering my estate as soon as possible after my death, including any expenses of ancillary administration in another state.

4.2 **Pledges.** My fiduciary shall pay any unpaid charitable pledges regardless of whether such pledges may be enforceable obligation of my estate as soon as convenient after my death.

4.3 **Taxes.** All estate and inheritance taxes including interest and penalties, if any, together with all administration expenses, payable in any jurisdiction by reason of my death, (including those taxes and expenses payable with respect to assets which do no pass under this will) shall be paid out of and charged generally against the principal of my residuary estate, with apportionment.

ARTICLE V

SPECIFIC BEQUEST AND DISTRIBUTION OF TANGIBLE PERSONAL PROPERTY

5.1 **Specific Bequests.** I give and bequeath all of my personal property, tangible and intangible, to Sheron L. Randolph, per stirpes.

ARTICLE VI

DISTRIBUTION OF RESIDUARY ESTATE

6.1 **Residuary Estate.** I give, bequeath and devise my home located on 3232 Hummingbird Drive Nashville, Tennessee and all the rest, residue and remainder of my property, to Sheron L. Randolph, per stirpes.

ARTICLE VII

MISCELLANEOUS PROVISIONS

7.1 **Dealing with Fiduary.** No person dealing with the fiduciary in any capacity is bound to inquire into the capacity to act on the part of the fiduciary.

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7.2 **Ancillary Administration.** If I own real estate located outside the state of my domicile or if ancillary administration of my estate is needed for any other reason, I appoint my domiciliary fiduciary , to qualify in such other jurisdiction as my fiduciary in such jurisdiction.

7.3 **Real Estate.** Any real property which I own at my death is to be part of my probate estate and treated as personalty for administrative purposes.

7.4 **Life Insurance.** The proceeds of any life insurance payable to my fiduciary or my estate are free from the claims of creditors. The proceeds paid to my fiduciary are to be held and distributed as provided by the terms of this will. My fiduciary may use any portion of such proceeds as my executrix deems advisable for the payment of debts, expenses and taxes.

7.5 **Casualty Insurance.** Each insurance policy covering an item of property passing under this document passes with the property. The recipient is not to be charged for any unearned premium already paid. If an item of property passing under this will has been destroyed or damaged, and such item of property was specifically listed on the insurance policy, the insurance proceeds recovered or recoverable are to be paid in place of the destroyed item and in addition to the damaged item. However, this shall not apply if an item has been disposed of or destroyed prior to my death.

7.6 **Resuscitation.** In the event of failure of my vital bodily functions I do not wish to be resuscitated through artificial means.

7.7 **Construction.** I direct that should any clause in this will be construed contrary to state laws such clause shall be construed to conform to state law in the implementing of this my Last Will and Testament according to my expressed desires.

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IN WITNESS WHEREOF, I have hereunto subscribed my name to this my Last Will and Testament, consisting of five (5) typewritten pages (including Affidavit of Witnesses) and for the purposes of identification have initialed each such page, all in the sight and presence of the persons witnessing it at my request on this 11th day of January, 2007, at Nashville, Tennessee. In accordance with Tennessee Code Annotated, Section 32-2-110, I have requested these witnesses to make the Affidavit which is attached to this Last Will and Testament.

Catherine Wells Johnson
Catherine Wells Johnson, Testator

ATTESTATION CLAUSE

On the date last above written, we saw Catherine Wells Johnson in our presence sign the foregoing instrument at its end. She then declared it to be her Last Will and Testament and requested us to act as witnesses to it. We then, in her presence and in the presence of each other, signed our names as attesting witnesses, believing her at all times herein mentioned to be of sound mind and memory and not acting under constraint of any kind.

Robin Norris

Residing at:
101 Point East Dr., Nashville, TN 37216

Janelle Mears

Residing at:
102 Point East Dr. Nashville, TN 37216

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AFFIDAVIT OF WITNESSES

STATE OF TENNESSEE)

COUNTY OF DAVIDSON)

Robin Norris and Janelle Mears being severally duly sworn, depose and say that:

We are acquainted with Catherine Wells Johnson, who executed this annexed Last Will and Testament, consisting of five (5) typewritten pages, dated the 11th day of January, 2007, at Nashville, Tennessee, by subscribing her name at the end thereof in the presence and sight of each of us.

At the time of subscribing such Last Will and Testament, Catherine Wells Johnson declared the instrument so subscribed by her to be his Last Will and Testament and we thereupon signed our names as witnesses at the end of such instrument at her request and in her presence and sight, and in the presence and sight of each other.

At the time of executing such Last Will and Testament, Catherine Wells Johnson was over the age of eighteen (18) and in our opinion was of sound mind, memory and understanding and not under any restrain or in any respect incompetent to make a Last Will and Testament.

This Affidavit is made at the request of Catherine Wells Johnson.

The annexed Last Will and Testament was examined by the undersigned at the time this affidavit was made.

SWORN TO AND SUBSCRIBED before me, this 11th day of January, 2007.

Jennifer B. Lovell

Notary Public

My Commission Expires: 9/27/07

CWJ
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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 LAST WILL AND TESTAMENT heretofore entered in the SEVENTH Circuit Court for Davidson County, Tennessee, on the 07 day of APRIL , 2008 , in Case Number 07P847 between RANDOLPH, SHERON Petitioner, and JOHNSON, CATHERINE WELLS ET.AL 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 04 day of JUNE 2009

RICHARD R. ROOKER, Clerk,

SEAL



By _____

Deputy Clerk