# AFFIDAVIT OF HEIRSHIP

Davidson County AFFIDAVIT
Recvd: 07/24/09 13:03 7 pgs
Fees:37.00 Taxes:0.00
**20090724-0069685**

State of Tennessee
County of Davidson

On this day personally appeared, the undersigned, and after being first duly sworn, declares upon oath that:

1. The undersigned, Barbara F. Weinstein, is an adult over the age of majority; a resident of Nashville, Davidson County, Tennessee, and, is the daughter of Augusta V. Felton, deceased.

2. That the said Augusta V. Felton (a/k/a Augusta Victoria Felton) died on January 9, 2009, in Nashville, Davidson County, Tennessee, and that at the time of her death, the said Augusta V. Felton was unmarried, and had two (2) living children, namely, Eugene H. Felton, a son, 730 Hembree Road, Roswell, Georgia 30076, and Barbara F. Weinstein, a daughter, 6632 Brookmont Terrace, Nashville, Tennessee 37205. The said, Augusta V. Felton, had no deceased children.

3. That pursuant to the provisions of Tennessee Code Annotated §§ 31-1-101 et seq.(and the provisions of Article IV of the Last Will and Testament of Augusta V. Felton, Deceased, which Last Will and Testament is attached hereto as, Exhibit "A", and which Last Will and Testament will not be probated but is attached hereto, as further muniment of title) the said Eugene H. Felton and Barbara F. Weinstein, constitute the sole heirs at law of the real owned by the said Augusta V. Felton, Deceased, at the time of her death (including but not limited to the real property located at, 320 Old Hickory Boulevard, #2904, Nashville, Davidson County, Tennessee 37221 (the "Property").

4. The Affiant understands that this Affidavit has been executed, as an Affidavit of Heirship, pursuant to the provisions of Tennessee Code Annotated § 30-2-712, in order to establish the rights of the said Eugene H. Felton and Barbara F. Weinstein, as heirs at law of, Augusta V. Felton, Deceased, pertaining to the real property of the said, Augusta V. Felton, Deceased, including but not limited to the real property located at, 320 Old Hickory Boulevard, #2904, Nashville, Davidson County, Tennessee 37221.

Barbara F. Weinstein, Affiant

Sworn to and subscribed before me, the undersigned this the 21st Day of July, 2009.

Notary Public

My commission expires: 1/3/2011

PETER WEISS
STATE OF TENNESSEE NOTARY PUBLIC
COUNTY OF DAVIDSON

State of Tennessee )
County of Davidson)

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, the within named, Barbara F. Weinstein,the bargainor, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that she executed the within instrument for the purposes therein contained.

Witness my hand and official seal at Brentwood, Tennessee, this 24th Day of July, 2009.

My Commission Expires: 1/3/2011

Notary Public

PETER WEISS
STATE OF TENNESSEE NOTARY PUBLIC
COUNTY OF DAVIDSON

This Instrument is prepared by:
Peter Weiss, Attorney at Law
761 Old Hickory Boulevard, Suite 301
Brentwood, Tennessee 37027
**(Prepared Solely From Information Provided to the Preparer of this Instrument by the Parties to the Transaction)**

I, the undersigned, do hereby make oath that I am a licensed attorney and/or the custodian of the electronic version of the attached document tendered for registration herewith and that this is a true and correct copy of the original document executed and authenticated according to law.

DEE FILES KENNEDY

State of Tennessee )
County of Davidson )

Personally appeared before me, the undersigned, a Notary Public for this county and state DEE FILES KENNEDY who acknowledges that this certification of an electronic document is true and correct and whose signature I have witnessed.

My Commission Expires: 01/03/11

Notary Public

PETER WEISS
STATE OF TENNESSEE NOTARY PUBLIC
COUNTY OF DAVIDSON

# Last Will and Testament

## of

## Augusta V. Felton

I, **AUGUSTA V. FELTON,** domiciled in and a resident of 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 my just debts, funeral expenses, unpaid charitable contributions, whether or not if the same be enforceable obligations of my estate, and the costs of administration of my estate be paid as soon as practicable after my death. My Co-Executors, in their sole discretion, may pay from my domiciliary estate all or any portion of the costs of ancillary administration and similar proceedings in other jurisdictions. In the event that any property or interest in property passing under this Will, by operation of law or otherwise, by reason of my death shall be encumbered by mortgage or lien, or shall be pledged to secure any obligation (whether the property or interest in property so encumbered or pledged shall be owned by me jointly or individually), it is my intention that my Co-Executors shall determine, in their sole and absolute discretion, whether such indebtedness shall be charged to or paid from my estate, or in the alternative that the devisee, legatee, joint owner taking by survivorship, or beneficiary receiving such property or interest in said property shall take said property or said interest in property, subject to any and all encumbrances encumbering said property or interest in property, existing at the time of my death.

### Article II

I hereby give, devise and bequeath all of the tangible personal property ( except as limited to Article III, below), owned by me at the time of my death, as provided and to the person (or persons) designated in a written instrument executed by me and witnessed by two individuals (or in the alternative a written instrument in my hand, without witness) executed and dated subsequent hereto, that refers to this Article II of my Last Will and Testament, attached to and kept with this Last Will and Testament. If no such written instrument is found at the time of my death or if such written instrument is found but fails to dispose of all tangible personal property owned by me at my death, then I give, devise and bequeath said tangible property in equal shares to my son, Eugene H. Felton and my daughter, Barbara F. Weinstein, as they may agree upon and specify.

Each item of property given, devised and bequeathed, under this Article II, shall pass subject to all outstanding indebtedness thereupon; however, any and all insurance proceeds in effect at my death with respect to any item of tangible personal property, including the proceeds of any claim arising upon or after my death, with respect to said item of tangible personal property, shall be considered a part of the devise and bequest of said item of tangible personal property.

## Article III

A. I hereby request (but do not require) that should there be sufficient funds in my estate, at my death, after the payment of my just debts, funeral expenses, unpaid charitable contributions, whether or not if the same be enforceable obligations of my estate, and the costs of administration of my estate, that my Co-Executors distribute to each of my grandchildren, who should they survive me, the following sums:

1. Lynne English- One Hundred Thousand and 00/100 ($ 100,000.00) Dollars
2. Janet Weinstein- One Hundred Thousand and 00/100 ($100,000.00) Dollars
3. Scott Felton- Twenty-Five Thousand and 00/100 ($ 25,000.00) Dollars
4. James Felton- Twenty-Five Thousand and 00/100 ($ 25,000.00) Dollars
5. Stephen Felton- Twenty-Five Thousand and 00/100 ($ 25,000.00) Dollars

B. I have deliberately made different provisions herein for the benefit of the children of my daughter, Barbara F. Weinstein, and the children of my son, Eugene H. Felton, not because of difference in any love or affection I feel to each, but due to the additional personal contact and caring I have received from my granddaughters, Lynne English and Janet Weinstein, during my life.

C. Should any of my grandchildren, recited above, fail to survive me, then the requested distribution to the said deceased grandchild shall lapse and become a part of my residuary estate and distributed according to the provisions of Article IV, below.

## Article IV

I hereby give, devise and bequeath to of my son, Eugene H. Felton and my daughter, Barbara F. Weinstein, absolutely, equally, in fee simple, per stirpes, all of the rest, residue and remainder property which I own, have any interest in, or have the right to dispose of at my death and which remains after the payment of my just debts, funeral expenses, unpaid charitable contributions, whether or not if the same be enforceable obligations of my estate, and the costs of administration of my estate, of whatever kind, character and description, real, personal, tangible, intangible and mixed, and wherever situated (except as limited by Article II and III, above).

## Article V

It is my intent that no interest of any beneficiary of my estate shall be subject to assignment, alienation, pledge, attachment or claims of creditors of such beneficiary, and my not be otherwise be voluntarily or involuntarily alienated or encumbered by such beneficiary.

## Article VI

If any devisee, legatee or beneficiary hereunder shall contest the probate or validity of this will or any provision thereof, or shall institute or join in (except as a party defendant) any proceeding to contest the probate or validity of this will or any provision thereof from being carried out in accordance with its terms (regardless of whether or not such proceedings are instituted in good faith and/or probable cause), then all benefits provided for such devisee, legatee or beneficiary are revoked and such benefits shall pass as part of my residuary estate pursuant to the provisions of Article IV, above. If either of the residuary beneficiaries join in or institute such contest or proceedings, then such benefits of the contesting residuary beneficiary shall pass to the remaining residuary beneficiary, absolutely, in fee simple, per stirpes. If both residuary beneficiaries join in or institute such contest or proceedings, then such benefits of the contesting residuary beneficiaries shall pass to those persons who are living, at my death, and who would been my distributees had I died intestate pursuant to the laws of decent and distribution for the State of Tennessee and had the contesting residuary beneficiaries preceded me in death. Each benefit conferred herein is made on the condition precedent that the beneficiary shall accept and agree to all provisions of this will and the provisions of this Article VI, as an essential part of each and every benefit.

## Article VII

I nominate and appoint my son, Eugene H. Felton and my daughter, Barbara F. Weinstein Co- Executors of this my Last Will and Testament. In the event either my children, does not survive me or for any other reason fails to qualify as a Co- Executor of this my Last Will and Testament or, having qualified, thereafter for any reason shall cease to act, then I nominate and appoint the my remaining child as the Sole Executor of this my Last Will and Testament. I authorize my Co-Executor (or the Sole Executor, as herein recited) in the exercise of reasonable discretion with respect to all property, be it real, personal or mixed, at any time forming part of my estate, to exercise all the powers set forth in Section 3 of Chapter 110 of the Tennessee General Assembly of 1963, T.C.A. § 35-50-110, to the extent applicable, all of which provisions and powers are incorporated herein by reference as fully as if copies 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 hereinafter or repealed at the time of my death. I direct that no bond be required of my Co-Executors (or Sole Executor, as herein recited).

**IN TESTIMONY WHEREOF,** I have hereunto subscribed my name to this my Last Will and Testament, consisting of this and three (3) 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 24th Day of October, 2007, at Brentwood, Tennessee.

Augusta V. Felton

**AUGUSTA V. FELTON, Testatrix**

The foregoing, consisting of this and Four (4 ) preceding typewritten pages, was signed, sealed, published and declared by AUGUSTA V. FELTON, the Testator, to be her Last Will and Testament, in our presence, and we, at her request and in her presence and in the presence of each other, have hereunto subscribed our names as witnesses this 24th day of October, 2007, at Brentwood, Tennessee.

Dee Files Kennedy residing at 153 Creekwood Lane, Hendersonville, Sumner County, Tennessee

Karen Russell residing at 2314 Surrey Lane, Franklin, TN 37067, Williamson County, Tennessee

STATE OF TENNESSEE )
COUNTY OF DAVIDSON )

Dee Files Kennedy and Karen Russell, being duly sworn according to law, depose and say:

1. That they are adult citizens of Sumner and Williamson County, Tennessee.

2. That they witnessed the execution of the Last Will and Testament of AUGUSTA V. FELTON, Testatrix, dated the 24th day of October, 2007, to which this Affidavit is attached, and that this Affidavit is being made at the request of the Testatrix and in accordance with Tennessee Code Annotated, § 32-2-110.

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 Testatrix and in her presence, and in the presence of each other, and at the place and on the date recited in said Last Will and Testament.

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

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

Dee Files Kennedy

Karen Russell

Subscribed to and sworn to before me this 24th day of October, 2007.

My Commission Expires: January 3, 2011

Notary Public

PETER WEISS
STATE OF TENNESSEE
NOTARY PUBLIC
COUNTY OF DAVIDSON