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# Last Will and Testament

OF

**WILLIAM CHARLES HIRST**

07P-617

I, WILLIAM CHARLES HIRST, of Davidson County, Tennessee, declare this to be my Last Will and Testament hereby revoking all former Wills and Codicils thereto.

ARTICLE I. FAMILY DESCRIPTION

My wife, OPAL W. HIRST, is herein referred to as "my wife". We have one child, namely, CHARLES RONALD HIRST. Our grandaughter's name is RONDA HIRST, and she is a contingent beneficiary hereunder. My wife's son by a previous marriage is deceased, and she has three grandsons, namely, Erby E. Watts, III, Gary Watts, and Terry Watts, who are not beneficiaries hereunder.

ARTICLE II. APPOINTMENT OF EXECUTOR

I nominate and appoint my wife, OPAL WHEAT HIRST, as Executrix under this My Last Will and Testament. If she for any reason should be unable to qualify or ceases to serve, I nominate and appoint our son, CHARLES RONALD HIRST, as my Executor. If my estate should require the appointment of an ancillary Executor, I authorize my Executor named herein to appoint such ancillary Executor. I direct that no bond be required of any Executor appointed hereunder, whether original or successor, or ancillary. Any reference herein to Executor shall include any substitute or successor Executor and shall be construed in the appropriate number and gender.

ARTICLE III. DEBTS, ADMINISTRATIVE EXPENSES AND TAXES

I direct that all debts that shall be legally owing by me, my funeral expenses, and the expenses of administration of my estate be paid by my Executor as soon as practicable, except that as to any debts secured by real estate, my Executor may pay such debt or permit such real estate to pass subject to such debt whichever my Executor deems to be in the best interest of my estate. I further direct my Executor to pay all estate, inheritance, and death taxes and any interest and penalty thereon, that shall be imposed by reason of my death, including such taxes on proceeds of insurance on my life, whether or not such proceeds are a part of my testamentary estate. Such taxes shall be paid from my residuary estate without proration. My Executor may pay from my domiciliary estate any cost of ancillary administration or similar proceedings in any other jurisdiction. I further

direct that the proceeds of any life insurance on my life made payable to my Estate may be used by my Executor to pay any debts, claims, taxes or other obligations of my estate.

ARTICLE IV. DISPOSITION OF HOUSEHOLD & PERSONAL EFFECTS

I direct that my household and personal effects, including any automobile that I may own, be distributed in accordance with the latest letter of instructions to be found after my death. Any items not disposed of in such a letter or all items in the absence of such a letter shall be distributed to my wife. If my wife should not survive me, such items shall be distributed to our son, CHARLES RONALD HIRST, or, in the event our son is not living at the time of my death, then to our grandaughter, RONDA HIRST.

ARTICLE V. RESIDENCE

I give and devise to my wife, OPAL WHEAT HIRST, all my right, title, and interest in whatever real property with improvements thereon that we are using as a principal residence at my death, together with all rights that I may have under any insurance policies relating thereto. If my wife does not survive me, my residence shall pass as part of my Residuary Estate.

ARTICLE VI. RESIDUARY ESTATE

If my wife survives me, I give, devise, and bequeath all the rest and residue of my property to her to be hers absolutely. If my wife does not survive me, I give, devise, and bequeath my residuary estate to our son, CHARLES RONALD HIRST. If my said son does not survive me, I give, devise and bequeath my residuary estate to our grandaughter, RONDA HIRST, and if I should have no surviving lineal descendants at my death, I give, devise, and bequeath my residuary estate one-half (1/2) to my heirs at law and one-half (1/2) to my wife's heirs at law as determined by the laws of Tennessee.

ARTICLE VII. MISCELLANEOUS PROVISIONS

A. Disposition of Assets.

I authorize the Executor, without the order of any court, to sell and convey any of my real estate or personal property not specifically devised or bequeathed herein at public or private sale, without the joinder of any beneficiary, in such manner and upon such terms and for such prices as may seem best; and on every sale of real estate the proceeds are to be deemed and treated as forming part of my personal estate.

B. Discretionary Powers

In addition to and not in limitation of all Common Law and Statutory Authority and all powers otherwise granted in this Instrument, the Executor shall have the following specific discretionary powers, duties and obligations:

(1) To hold and retain as investments all property of every kind and description which shall at the time of my death be included in my estate during the period that my estate is being administered.

(2) To acquire by purchase or otherwise and retain temporarily or permanently all kinds of realty and personalty without regard to principles of diversification.

(3) To borrow money if the Executor deems it advisable in the administration of my estate upon such terms and conditions as my Executor deems advisable.

(4) To enter into leases extending beyond the period of administration of my estate.

(5) To make distribution in cash or in kind or partly in each, even if shares be composed differently.

(6) To exercise in general all powers with respect to the said property which any individual would exercise in the management of similar property owned in his own right and not be responsible for losses if any resulting from honest mistakes of judgment.

C. Incorporation of Code Powers

I authorize the Executor to exercise any and all powers set forth in Section III of Chapter C 110 of the Acts of Tennessee General Assembly of 1963, Tenn. Code Ann. §35-50-110, to the extent applicable, subject to whatever limitations may be expressed or implied in this Instrument, all of which provisions and powers are incorporated herein by reference as fully as if copied herein verbatim.

IN WITNESS WHEREOF, I have set my hand on this 10 day of August 1993.

William Charles Hirst
WILLIAM CHARLES HIRST

Signed, declared, and published by the said WILLIAM CHARLES HIRST, as and for his Last Will and Testament, in the presence of us, the undersigned, who at his request and in his sight and presence and in the sight and presence of each other, have subscribed our names hereto as attesting witnesses the day and date above written.

Barbara S Lamb
Name

Brentwood, TN
Address

Lois A. Ehlert
Name

Brentwood, Tn.
Address

Copy

# AFFIDAVIT

STATE OF TENNESSEE )
)
COUNTY OF WILLIAMSON )

Barbara S. Lamb and Lois A. Ehlert being first duly sworn, make oath that the foregoing Last Will and Testament was signed by WILLIAM CHARLES HIRST as and for his Last Will and Testament, and at that time acknowledged, published and declared by him to be his Last Will and Testament in the sight and presence of us, the undersigned, who at his request and in his sight and presence and in the sight and presence of each other subscribed our names as attesting witnesses on the 10th day of August, 1993, in Williamson County, Tennessee, and we further make oath that the Testator was of sound mind on said date and was more than eighteen (18) years of age, and that each of the witnesses was more than eighteen (18) years of age.

Barbara S Lamb
Witness

Brentwood, TN
Address

Lois A. Ehlert
Witness

Brentwood, Tn.
Address

SWORN to and SUBSCRIBED before me this 16th day of August, 1993.

Thomas A Ostroff
Notary Public

My Commission Expires:
Mar. 12, 1994

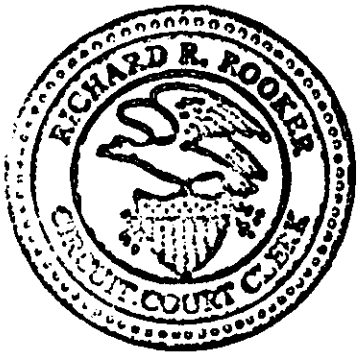
(Page 4 of My Will: William Charles Hirst)

**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 17 day of APRIL , 2007 , in Case Number 07P617 between HIRST, CHARLES RONALD Petitioner, and HIRST, WILLIAM CHARLES 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 21 day of JULY 2009

SEAL




**RICHARD R. ROOKER,** Clerk,

By _____ Deputy Clerk