Prepared by:
McCann, Hubbard & Solomon
1804 Williamson Court, Ste 201
Brentwood, TN 37027

(1)

AFFIDAVIT OF HEIRSHIP

I, Ricky West, of Davidson County, Tennessee, being first duly sworn on oath, state that I am of lawful age and that based upon my personal knowledge, and pursuant to Tennessee Code Annotated § 30-2-712, hereby affirm the following:

1. That I have known the Decedent, William Herbert Cole, Sr., and his family for approximately 40 years. The Decedent died on November 26, 2007. At the time of Decedent's death, he left a Last Will and Testament which is attached as a copy to this Affidavit.

2. At the time of his death, the Decedent was survived by his children, Judy Sue Land and William Herbert Cole, Jr., there having been no other children born to or adopted by Decedent at any time.

3. The Decedent's spouse predeceased him and Decedent was not married at the time of his death.

4. That I am not a beneficiary, legatee, or heir of William Herbert Cole, Sr.

T.C.A. 30-2-712 provides that whomever shall willfully, corruptly and falsely swear to any statement in an affidavit of heirship known by him to be false or about which he does not have sufficient knowledge to justify his making such a sworn statement, on conviction shall be imprisoned in the penitentiary for not less than one, nor more than five years.

Witness our hands this 5 day of October, 2009.

Ricky D. West
Ricky West

BILL GARRETT, Davidson County
Trans:T20090072703 AFFIDAVIT
Recvd: 10/27/09 08:14 4 pgs
Fees:22.00 Taxes:0.00
20091027-0098775

STATE OF TN)

COUNTY OF Davidson)

Personally appeared before me, the undersigned, a Notary Public for the State and County the aforesaid, Ricky West, with whom I am personally acquainted (or who proved to me his identity on the basis of satisfactory evidence), and who, upon oath, acknowledged that he executed the within instrument for the purposes therein contained.

Witness my hand, at office, this 5 day of October, 2009.

My commission expires: 03/07/2011

AMANDA L GOFF
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY

Amanda L Goff
Notary Public

My Commission Expires March 7, 2011

LAST WILL AND TESTAMENT OF WILLIAM HERBERT COLE, SR.

I, WILLIAM HERBERT COLE, SR., presently residing at 518 Norton Avenue, Nashville, Tennessee, being of sound mind and disposing memory, do hereby make, publish, and declare this to be my Last Will and Testament, hereby expressly revoking any and all Wills and Codicils heretofore made by me.

ARTICLE I
FAMILY

My children are JUDY SUE LAND and WILLIAM HERBERT COLE, JR. Any reference to my children will refer to all of the children mentioned above.

ARTICLE II
CLAIMS AND TAXES

I direct my Executor to pay out of my residuary estate the following:

Section 1. The expenses of my last illness, administration expenses, and all legally enforceable creditor claims.

Section 2. All Federal estate taxes, state inheritance taxes and all other governmental charges imposed by reason of my death, without seeking reimbursement from or charging any person for any part of the taxes and charges paid.

Section 3. If necessary, reasonable funeral expenses, including the cost, if any, of a suitable marker for my grave, without the necessity of an order of court approving such expense.

ARTICLE III
EXECUTOR

I appoint WILLIAM HERBERT COLE, JR. to act as my Executor. If WILLIAM HERBERT COLE, JR. is unable or unwilling to act, then I appoint JUDY SUE LAND to act as my Executor. To the extent permitted by law, the Executor shall serve without bond.

ARTICLE IV
TANGIBLE PERSONAL PROPERTY

Unless otherwise specifically provided, my Executor shall deliver all tangible personal property to my children in portions of equal value, divided as they may agree, or if they do not agree within a reasonable time, as my Executor determines. There shall be one share for each child of mine who survives me and one share for the issue, by right of representation, of each child who fails to survive me.

Initials: WHA C

"Tangible personal property" means personal property (not primarily used in a business), such as boats, books, china, clothing, furnishings, furniture, glass, household items, jewelry, lawn and garden equipment, motor vehicles, personal effects, pictures, recreational items, rugs, silver, works of art, and any other similar items, and includes any insurance on those assets. My Executor shall determine which items are within this definition, and the determination shall bind all persons.

ARTICLE V
DISTRIBUTION OF RESIDUE

I direct that the residue of my estate be divided into equal shares. There shall be one share for each child of mine who survives me and one share for the issue, by right of representation, of each child of mine who fails to survive me.

ARTICLE VI
SURVIVORSHIP REQUIREMENT

Unless otherwise specifically provided, a beneficiary of my Will who fails to survive me by 30 days shall be deemed to have predeceased me and shall not share in my estate. The share of such beneficiary shall be distributed as directed by the provisions stated in my Will.

ARTICLE VII
ADDITIONAL PROVISIONS

Section 1. I direct that my Will be interpreted under the laws of the State of Tennessee.

Section 2. Reference to Executor, Trustee and Guardian shall always refer to the parties then acting in those capacities, whether original or serving as successors.

Section 3. Paragraph headings are for convenience only; the content of the paragraph controls over the heading. Any reference to any party herein in whatever gender shall be deemed to mean the appropriate gender.

Section 4. To the extent permitted by applicable law, no fiduciary appointed herein shall be required to furnish bond, or file any inventory or accountings with any court.

ARTICLE VIII
POWERS AND DUTIES OF MY EXECUTOR

I authorize my Executor to do any of the following, if necessary, in the course of the administration of my estate:

Initials: WHC

(a) To make repairs or improvements to my property, as may be deemed necessary to preserve or enhance the value of my estate.

(b) To sell or convey any part of my estate whether real, personal or mixed (for cash or on credit) at a public or private sale.

(c) To borrow funds for use in estate administration if there are insufficient liquid assets in my estate.

(d) To employ persons, including attorneys, investment advisors, or other agents for assistance or advice, or not to employ such persons, as my Executor deems appropriate.

In addition, my Executor is authorized to perform any act which the applicable laws of the State of Tennessee, including those specifically enumerated in Section 35-50-110 Tennessee Code Annotated, authorize an executor or fiduciary to perform.

I sign this Will on the 19 day of Oct., 2006.

William Herbert Cole Sr.
WILLIAM HERBERT COLE, SR.

STATEMENT OF WITNESSES

This document, consisting of 3 pages including this page, was signed by WILLIAM HERBERT COLE, SR. on the 19 day of October, 2006 as his Last Will and Testament in our presence. Further we have signed our names as witnesses at his request in each other's presence.

Alicyp Jamison
100 Stephen P. Yokich Parkway
P.O. Box 1797
Spring Hill, Tennessee 37174-1797

Dave Talley
100 Stephen P. Yokich Parkway
P.O. Box 1797
Spring Hill, Tennessee 37174-1797

Initials: W.H.C.