BILL GARRETT, Davidson County
Trans:T20090079645 WILL
Recvd: 11/23/09 15:39 9 pgs
Fees:47.00 Taxes:0.00
20091123-0107734

000381 2.1800

Last Will and Testament

OF

ERNEST MARVIN SUTTON. SR.

I.

I, **ERNEST MARVIN SUTTON, SR.**, domiciled in Davidson County, Tennessee, being of full age and of sound mind and memory, and under no constraint, do hereby make, publish and declare this to be my last will and testament, hereby revoking all wills and codicils heretofore made by me.

II.

I DIRECT that all of my just debts, my funeral expenses (including the cost of a suitable monument at my grave), and the costs of administration of my estate be paid as soon as practicable after my death out of my estate, in such amount as my personal representative shall deem, without regard to any rule of law which purports to limit the amount of such expenses which may be paid out of my estate.

My personal representative, in his discretion, may pay from my domiciliary estate all or any portion of the costs of ancillary administration and similar proceedings in any other jurisdictions to enforce the provisions of this instrument.

Ernest Marvin Sutton Sr.
ERNEST MARVIN SUTTON, SR.

III.

Except for specific bequests enumerated below, I GIVE, DEVISE AND BEQUEATH my entire estate whether real or personal property to be equally divided among my three children, ERNEST MARVIN SUTTON, JR., SANDI LEA TRAVIS, AND LINDA RUTH SUTTON. I GIVE DEVISE AND BEQUEATH a life estate on the real property located at 2556 Lakeland Drive, Nashville, Davidson County, Tennessee and all contents located on the real property at the time of my death to my former wife, BOBBIE RAYE SUTTON. If BOBBIE RAYE SUTTON, survives me, I give and devise to her for her life my home at 2556 Lakeland Drive, Nashville, Davidson County, Tennessee, with all appurtenance and improvements used in connection therewith, and upon her death, I direct that the real property located at 2556 Lakeland Drive, Nashville, Davidson County, Tennessee be sold with the proceeds to be divided equally between my three children, ERNEST MARVIN SUTTON, JR., SANDI LEA TRAVIS, and LINDA RUTH SUTTON. In the event either my son or daughter, ERNEST MARVIN SUTTON, JR., or SANDI LEA TRAVIS, predeceases me, I devise each child's one-third (⅓) share to be equally divided among his/her issue. My former wife, BOBBIE RAYE SUTTON, shall not be required to file with any court any inventory of the property herein devised as a life estate nor to give any bond or other security for the safekeeping thereof.

IV.

I GIVE, DEVISE, AND BEQUEATH to my daughter, SANDI LEA TRAVIS, real property located at 2527 Hibbitts Road, Nashville, Davidson County, Tennessee. My daughter, SANDI LEA

Ernest Marvin Sutton Sr.

ERNEST MARVIN SUTTON, SR.

TRAVIS, shall pay to my son, ERNEST MARVIN SUTTON, JR., the sum of ELEVEN THOUSAND DOLLARS ($11,000.00) for his share in the real property. My daughter, SANDI LEA TRAVIS, shall pay ELEVEN THOUSAND DOLLARS ($11,000.00) into the Trust in the name of LINDA RUTH SUTTON for her share of the real property. If my daughter, SANDI LEA TRAVIS, should decide that she does not want the real property located at 2527 Hibbitts Road, Nashville, Davidson County, Tennessee said real property shall be sold at auction with the proceeds of the sale to be equally divided between my three children, SANDI LEA TRAVIS, ERNEST MARVIN SUTTON, JR., and LINDA RUTH SUTTON.

V.

I GIVE, DEVISE, AND BEQUEATH to my son, ERNEST MARVIN SUTTON, JR. the real property located at 1915 Highway 109 North, Gallatin, Sumner County, Tennessee.

VI.

I GIVE, DEVISE, AND BEQUEATH to my daughter, SANDI LEA TRAVIS, the truck that I own at the time of my death.

VII.

I GIVE, DEVISE, AND BEQUEATH to my son, ERNEST MARVIN SUTTON, JR. all automobiles that I own at the time of my death.

PAGE THREE OF THE LAST WILL AND TESTAMENT OF:

Ernest Marvin Sutton Sr.

ERNEST MARVIN SUTTON, SR.

VIII.

I DIRECT that a Trust be established for my daughter LINDA RUTH SUTTON for her one-third (⅓) share of the estate and I appoint my daughter SANDI LEA TRAVIS trustee.

1. The trustee shall pay, for the benefit of my daughter, LINDA RUTH SUTTON, the interest on her share of the trust annually.

2. If at any time the trustee in her sole and unlimited discretion, shall be of the opinion that it is necessary or desirable to encroach upon the corpus of the trust to provide any necessary hospital, medical, nursing, educational expenses, or if it is in the best interest of my daughter, LINDA RUTH SUTTON, the trustee is hereby authorized to encroach upon the corpus of the trust to what ever extent it may determine to be necessary, proper or desirable, and to pay for my daughter's benefit. This power of encroachment upon the corpus of the trust is a continuing power for the duration of the life of LINDA RUTH SUTTON.

IX.

I DIRECT that in the event that any of my grandchildren have not reached the age of twenty-one (21) years prior to my death, a Trust(s) is to be established and I appoint SANDI LEA TRAVIS trustee for the benefit of the minor children.

1. The Trustee(s) shall pay, for the benefit of my grandchildren the interest on their respective share of said interest annually.

Ernest Marvin Sutton Sr.

ERNEST MARVIN SUTTON, SR.

2. If at any time the trustee(s), in his/her sole and unlimited discretion, shall be of the opinion that it is necessary or desirable to encroach upon the corpus of the trust to provide any necessary educational, hospital, medical, nursing, or if it is in the best interest of the beneficiaries, the trustee is hereby authorized to encroach upon the corpus of the trust to whatever extent it may determine to be necessary, proper or desirable, and to pay for my grandchildren's benefit. This power of encroachment upon the corpus of the trust is a continuing power for the duration of the trust.

3. The corpus of the trust shall be paid to my grandchildren upon his/her 21st birthday.

VIII.

I DIRECT that a trust be established in the amount of TEN THOUSAND DOLLARS, to be established to pay expenses relative to the life estate of BOBBY RAYE SUTTON for the maintenance of the real property located at 2556 Lakeland Drive, Nashville, Davidson County, Tennessee, including, without limitations, all assessments, insurance premiums, taxes, and ordinary repairs and I appoint SANDI LEA TRAVIS as trustee.

Ernest Marvin Sutton Sr.

ERNEST MARVIN SUTTON, SR.

IX.

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 (other than as a part of my residuary estate, 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 such indebtedness shall not be charged to or paid from my estate, but that the devisee, legatee, joint owner taking by survivorship, or beneficiary receiving such property or interest in property shall take it subject to all encumbrances existing at the time of my death.

X.

I DIRECT that there shall be paid out of my estate, without apportionment, all estate, inheritance, succession and other taxes (together with any penalty thereon), assessed by reason of my death, imposed by the government of the United States, or any state or territory thereof, or by any foreign government or political subdivision thereof in respect of all property required to be included in my gross estate or for estate or like tax purposes (except)of such governments, whether the property passes under this will or otherwise, including property over which I have a taxable power of appointment, without contribution by any recipient of any such property.

Ernest Marvin Sutton Sr.

ERNEST MARVIN SUTTON, SR.

XI.

I nominate and appoint SANDI LEA TRAVIS as personal representative of this my Last Will and Testament.

I direct that my personal representative shall serve without bond, surety or security of any kind.

I hereby give my personal representative full power and authority to sell at public or private sale, for cash any part of my estate, both real and personal or mixed, at such times and upon such conditions as my personal representative shall deem best, all without court order, at valuations determined by my personal representative whose decision as to such valuations shall be conclusive; and to do all other things consistent with the provisions of this instrument which my personal representative shall deem necessary or desirable for the proper management of my estate, in the same manner and to the same extent as an individual might or could do with respect to their own property.

Ernest Marvin Sutton

ERNEST MARVIN SUTTON, SR.

IN TESTIMONY WHEREOF, I have hereto set my signature this the 10 day of Nov., 1999.

Ernest Marvin Sutton Sr.
ERNEST MARVIN SUTTON, SR.

Signed, sealed published and declared by the testator, **ERNEST MARVIN SUTTON, SR.** to be his Last Will and Testament in the presence of all of us at one and the same time and we at his request and in his presence in the presence of each other, have hereunto subscribed our names as witnesses and we do hereby attest to the sound and disposing mind of testator and to the performance of the aforesaid act of execution at the place and on the date herein above set forth.

David K. Simpson
WITNESS

113 W. Main Street
Address
Gallatin, Tn 37066

Thomas Jay Mastin Jr.
WITNESS

113 W. Main Street
Address
Gallatin Tn 37066

PAGE EIGHT OF THE LAST WILL AND TESTAMENT OF:

Ernest Marvin Sutton Sr.
ERNEST MARVIN SUTTON, SR.

STATE OF TENNESSEE

COUNTY OF SUMNER

David Simpson, and Thomas Jay Martin, Jr., after being duly sworn according to law, depose and say:

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

2. That they witnessed the execution of the Last will and Testament of **ERNEST MARVIN SUTTON, SR.**, to which this affidavit is being made at the request of the Testator and in accordance with Tennessee Code Annotated, Section 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 Testator and in his presence and in the presence of each other, at the place and on the date recited in said Last Will and Testament.

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

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

David K. Simpson
WITNESS

WITNESS

Subscribed and sworn before me this the 14 day of November, 1999.

Sandra K Hall
NOTARY PUBLIC

MY COMMISSION EXPIRES:
8-17-03

STATE OF TENNESSEE, DAVIDSON COUNTY

I, Richard R. Rooker, Clerk of the Probate Court of Davidson County, State aforesaid, do certify that the foregoing is a full, true and complete copy of the original on file in my office. Will Book 233 Page 384
Given under my hand and official seal, at office in Nashville, this 4th day of Nov. 2009.

RICHARD R. ROOKER, CLERK

Deputy Clerk

000402