11-2-94 94P-1660

# Last Will and Testament

OF

JEFFREY CHARLES WILSON

BILL GARRETT, Davidson County
Trans:T20100003097 WILL
Recvd: 01/15/10 13:21 13 pgs
Fees:67.00 Taxes:0.00
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## Item I

## Declarations

1.1 My Will: My name is Jeffrey Charles Wilson, and this is my Will. I revoke any earlier dated Testamentary instrument of mine.

1.2 My Family: My wife is Gail Ann Wilson and I refer to her as my wife in this Will. I have two children, Jeffrey Dean Hugh Wilson and Luther Lloyd Link Wilson, and I have one step-child, Adam John Olszak. I refer to these three children, collectively, as my children in this Will.

## Item II

## Payment of Funeral and Administration Expenses, Debts and Taxes

2.1 Funeral and Administration Expenses, Debts: My Executrix/Executor should pay my funeral expenses (including the cost of a grave marker) and the expense of administering my estate as soon as possible after my death, as well as my lawful debts. However, if a debt is secured by a security instrument, my Executor may either pay the debt in full or permit the property to pass subject to the security interest, and without the right of exoneration by the recipient of the property.

2.2 Taxes: My Executrix/Executor shall pay my lawful inheritance, estate or other death taxes (including interest and penalties) from my residuary estate and shall not apportion these taxes against a beneficiary of my probate or non-probate estate, including my wife, if she dissents from my Will.



JEFFREY CHARLES WILSON

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Item III

Specific Gifts

3.1 Personalty to Wife: If my wife survive me, I give her my effects of a strictly personal nature and household use, my jewelry, my personal automobile, and my other tangible personal property which I use in a personal manner.

3.2 Personalty to my Children if Wife does not survive: If my wife does not survive me, I give my personalty, described in Section 3.1, to my children, Adam John Olszak, Jeffrey Dean Hugh Wilson and Luther Lloyd Link Wilson, equally share and share alike. In the event my youngest child has not yet attained the age of eighteen (18) years, I direct that the property pass to the Trustee, under the terms of the trust hereinafter created.

Item IV

Disposition of Residuary Estate

4.1 Residuary Estate to Wife: If my wife survives me thirty (30) days, I give my residuary estate to my wife.

4.2 Disposition of Residuary Estate if Wife does not Survive Thirty (30) Days: If my wife does not survive me for thirty (30) days, I give my residuary estate to my children, equally, share and share alike. However, this gift is subject to the fiduciary's power to establish a trust under this Will. Moreover, if my youngest child or a descendant beneficiary is less than eighteen (18) years of age, I give the assets which otherwise passed to them to the Trustee, in trust, under the following provisions of this Item.

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4.3 Beneficiary: The beneficiaries of the trust are my minor children, or if they do not survive me, their descendants who do survive me. In the following Section, reference to my children include my children's descendants, if applicable.

(a) If I should have another child, that child is to be a beneficiary of the trust on the same basis as my named child.

4.4 Use of Trust Income and Principal: Until the trust for my children is terminated, my Trustee shall pay to or for the benefit of my minor children all the net income at least annually in such amounts to each beneficiary as needed for educational expenses for college at a state supported school, to include money for support, tuition and books, as the Trustee, in his discretion, deems appropriate. My Trustee may, from time to time, pay over and distribute as much of all of the principal of the trust for my minor children as the Trustee shall determine to be necessary for their education, as above, for support, tuition and books at a state supported college. It is the intent of this trust that each of the three children receive no more than one-third of income principal, the one-third portion being figured on the trust corpus at the creation of the trust.

4.5 Termination of Trust: Upon attainting the age of twenty-four (24) years, each of the beneficiaries is entitled to the balance of that beneficiary's one-third portion of the trust corpus and the Trustee shall distribute said portions accordingly.

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4.6 Trust Provisions Upon Premature Death of Beneficiary: If a beneficiary dies before receiving all of the trust assets and leaves a descendant who survives, the trust continues for the descendant under the same terms and conditions. Should such occur, the trust corpus shall be disbursed in accordance with this instrument or equally divided, and that portion of the corpus vest when any surviving child reaches age twenty-four and the remainder be in trust for the descendant minor(s) until age twenty-four.

4.7 Power to Withhold Distribution: The Trustee may establish or continue to hold a portion of the principal held in trust for a child and not make the distributions required under Section 4.4 and 4.5 if the Trustee determines the child has a physical, mental or emotional condition, or that political, financial, or personal conditions exist, so that it would be to the best interest to withhold these distributions. The Trustee may continue the trust until such time (up to and including the child's entire life, if necessary) as that child no longer suffers from the physical, mental or emotional condition or the political, financial or personal conditions no longer exist.

(a) Acceptance of the distribution by a child is a release of any claim that child may have against the Trustee for having exercised its powers under this Section. The Trustee shall also be indemnified for any monetary expenditures it made or incurred by virtue or as a result of having exercised this power.

(b) I intentionally have given the Trustee broad discretionary power to distribute, or withhold distribution of, principal. I request the Court not to disturb the Trustee's action unless it is clearly capricious or arbitrary. As an expense of the



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trust, the Trustee may obtain judicial confirmation or rejection of its decision to establish or continue the trust for the beneficiaries.

(c) If one of my children dies while distribution is withheld under this Section, the provisions of Section 4.6 and 4.8, as the case may be, apply.

Item V

The Fiduciary

5.1 Appointment of Executor: I appoint my wife as Executrix of my Will. If she does not qualify or later ceases to serve, I appoint Charles Luther Wilson, Jr. of Waverly, Tennessee, as First Alternate Executor. If he does not qualify or later ceases to serve, I appoint Merlyn Vern Tibbitts of Sun City West, Arizona, as Second Alternate Executor. If he does not qualify or later ceases to serve, I appoint Gina Denise Thorderson of Livinia, Michigan, to serve as Third Alternate Executrix.

5.2 Appointment of Trustee: I appoint Charles Luther Wilson, Jr. as Trustee of the trust under Item IV of this Will. In the event he is unwilling or unable to serve as Trustee, I appoint Gina Denise Thorderson as Alternate Trustee.

5.3 Resignation: A fiduciary may resign upon advance written notice of not less than thirty (30) days to the Court having jurisdiction over my estate or the trust. If the successor fiduciary provisions of Sections 5.1 and 5.2 do not apply, the Court will appoint the successor fiduciary. The resigning fiduciary shall deliver the assets under its control and any evidence of title to the assets to its successor and also shall make an accounting, unless the successor fiduciary excuses it from doing so.

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5.4 Bond: I excuse each fiduciary appointed herein from making bond, filing inventory and making reports to the Court having jurisdiction over my estate unless otherwise stated in this Will.

5.5 General Provision Applicable to Executor: The following provisions apply to my fiduciary:

My fiduciary has each power set forth in Tennessee Code Annotated, 35-50-110, except subparagraph 31, which powers I incorporate by reference into this Will.

Without in any way limiting the applicability of the foregoing, I specifically give my Trustee the following powers:

(a) To use any life insurance proceeds that may be payable to my Trustee for the purpose of paying my funeral expenses, the debts and expenses of administering my estate, and any estate or inheritance taxes that may be imposed by reason of my death, without requiring reimbursement from my Executor or the beneficiaries of my estate. Such inheritance proceeds, however, shall be free from the claim of all creditors except to the extent that my Trustee deems it desirable to pay any claims from this source.

(b) To pay from the trust funds available the expenses of administering the trust including the payment of a reasonable fee to the Trustee without the approval of any Court, it being my intention that my Trustee shall have discretion in these matters and that the duties and responsibilities of my Trustee shall not impose a financial burden upon him.

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5.6 Indemnity of Fiduciary: I want my fiduciary to exercise its discretion without fear of incurring a liability or expense. Therefore, unless it acts capriciously or arbitrarily, my estate or a trust shall indemnify the fiduciary for each monetary expense (including attorney's fees) which it incurs, expends, or which arises from the exercise of its discretion.

5.7 Discretion of Fiduciary: I have given the Fiduciary broad discretionary powers in the administration of my estate and the trust estate. In the exercise of this discretion, I wish the following be kept in mind:

* I am more interested in the welfare of a beneficiary who is closer in relation to me than a more remote beneficiary.

* I am more interested in a trust benefiting a beneficiary than in perpetuating the trust.

* While tax considerations are important, the tax effect of an act, or failure to act, should be only one factor considered by my fiduciary, and the fiduciary should not hesitate to make a decision which will incur more tax if there is a good reason for making such decision.

* I expect any beneficiary to lead a productive life. In determining whether a beneficiary is leading a productive life, the Trustee should take into account that there are many paths to productivity, and a beneficiary is not necessarily unproductive merely because the beneficiary chooses an unorthodox role in life, or the beneficiary does not make a great deal of money.

The above guidelines to the fiduciary are illustrative only and not limiting in nature. I am incapable of foreseeing each situation which may develop and, for this reason, I rely completely upon the discretion of the fiduciary. If a beneficiary ever challenges the action of a fiduciary, I request the Court to approve the fiduciary's action unless there is the most clear, cogent and convincing evidence that it acted capriciously and arbitrarily.

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Item VI

Miscellaneous

6.1 Disposition of Life Insurance Proceeds: My Executor shall distribute my life insurance proceeds in accordance with the dispositive provisions of my Will. However, it may distribute the proceeds on a non-pro rata basis if it sees fit to do so. Despite the foregoing, my Executor may use all or a part of the proceeds to pay all or part of my funeral and administrative expenses, Federal estate and Tennessee inheritance taxes and my lawful debts.

6.2 Rule Against Perpetuities: If, except for this Section, a trust would continue for a longer period of time than allowed by the Rule Against Perpetuities, the Trustee shall terminate the trust on the last day allowed by the Rule and distribute the trust assets, free of trust, to the income beneficiaries, per stirpes. The measuring life for the purpose of the Rule is the longest living of my surviving spouse or descendant of mine in being at the time of my death.

6.3 Spendthrift Provisions: A beneficiary cannot sell, assign or encumber his or her interest under this Will, and a creditor of the beneficiary, including a divorced spouse who seeks alimony, cannot attach such interest.

6.4 Casualty Insurance Proceeds: If a gift is not in existence or is damaged by virtue of a casualty insured against, the beneficiary of the gift will receive the insurance proceeds recovered as a substitute for the gift if it is completely destroyed or the damaged property and insurance proceeds recovered if partially destroyed.

6.5 Definitions: In this Will, each of the following underlined words has, or includes, as the case may be, the meaning set forth below, unless context clearly indicates otherwise:

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(b) Education - includes the cost of tuition, room, board, fees, books, supplies and such other expense and allowance as may seem proper to the Trustee.

(c) Fiduciary - includes both the Executor of, and the Trustee under, my Will. A reference to the fiduciary in the neuter singular includes each person, or organization, or both, serving as a fiduciary.

(d) Give - has the same legal meaning as devise or bequeath, or both.

(e) Sibling - is each surviving brother and sister and descendant of a deceased brother or sister (which descendant takes the share of the deceased brother or sister) of the beneficiary referred to, and includes a brother and sister of the half-blood.

6.6 Interpretive Provisions:

(a) If a beneficiary does not survive me, but leaves a descendant who does survive me, the descendant takes the share of my deceased beneficiary, except to the extent that I have made a different disposition of the gift.

(b) In referring to an Executor, Trustee, fiduciary, child, descendant or beneficiary, a word of one gender includes each other applicable gender and a reference to the singular includes the plural, and vice-versa, unless the context indicates this would be inappropriate.

(c) In referring to an action by a fiduciary, the auxiliary verb "may" gives the fiduciary the continuing discretion to take or not to take the action referred to. The auxiliary verbs "must" and "shall" require the fiduciary to take the action directed.

(d) My realty is part of my probate estate and is to be treated as personalty in the administration of my estate.

PAGE NINE OF MY LAST WILL AND TESTAMENT OF TEN PAGES:

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(b) Education - includes the cost of tuition, room, board, fees, books, supplies and such other expense and allowance as may seem proper to the Trustee.

(c) Fiduciary - includes both the Executor of, and the Trustee under, my Will. A reference to the fiduciary in the neuter singular includes each person, or organization, or both, serving as a fiduciary.

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(a) If a beneficiary does not survive me, but leaves a descendant who does survive me, the descendant takes the share of my deceased beneficiary, except to the extent that I have made a different disposition of the gift.

(b) In referring to an Executor, Trustee, fiduciary, child, descendant or beneficiary, a word of one gender includes each other applicable gender and a reference to the singular includes the plural, and vice-versa, unless the context indicates this would be inappropriate.

(c) In referring to an action by a fiduciary, the auxiliary verb "may" gives the fiduciary the continuing discretion to take or not to take the action referred to. The auxiliary verbs "must" and "shall" require the fiduciary to take the action directed.

(d) My realty is part of my probate estate and is to be treated as personalty in the administration of my estate.

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6.7 No Contract to Make a Will: Although my wife and I are executing our Wills at or about the same time, I wish to make it clear that we have not entered into a contract regarding the disposition of our respective estates. We both (including the survivor of us), reserve the right to change or revoke our respective Wills at any time without notice to the other.

Item VII

Presumption

7.1 If my wife and I die under such circumstances that there is not sufficient evidence to determine the order of our deaths, then it shall be presumed that she survived me; and my estate shall be administered and distributed, in all respects, in accordance with such presumption.

Item VIII

Signature

8.1 This Will consists of ten (10) pages (each of which I have signed or initialed) covering Items I through VIII, inclusive. I now sign this as my Last Will and Testament on this the 20th day of September, 1994, and pursuant to Tennessee Code Annotated 32-2-110, I request the attesting witnesses to make affidavit attached to this Will.

JEFFREY CHARLES WILSON

ATTEST TO EXECUTION OF THE WILL:

WITNESS

6917 Stone Creek Rd
Nashville, Tn 37221
ADDRESS

WITNESS

6917 Stone Creek Rd
Nashville, TN 37221
ADDRESS

STATE OF TENNESSEE
COUNTY OF DAVIDSON

I make oath or affirm that:

1. The Testator, Jeffrey Charles Wilson, signed the foregoing Last Will on the date shown on the Will, and at the time of such signing he informed me he signed it as his Last Will.

2. He signed this Will when I was in his sight and presence. Contemporaneously with the signing, he requested me to sign the Will as his attesting witness, which I did in the sight and presence of a second witness.

3. The Testator is more than eighteen (18) years of age, and I am also more than eighteen (18) years of age.

4. In my judgment the Testator is legally competent to make a Will.

WITNESS

Sworn to and subscribed before me this 20th day of September, 1994.

NOTARY PUBLIC

My Commission Expires: 3/25/95

STATE OF TENNESSEE
COUNTY OF DAVIDSON

I make oath or affirm that:

1. The Testator, Jeffrey Charles Wilson, signed the foregoing Last Will on the date shown on the Will, and at the time of such signing he informed me he signed it as his Last Will.

2. He signed this Will when I was in his sight and presence. Contemporaneously with the signing, he requested me to sign the Will as his attesting witness, which I did in the sight and presence of a second witness.

3. The Testator is more than eighteen (18) years of age, and I am also more than eighteen (18) years of age.

4. In my judgment the Testator is legally competent to make a Will.

WITNESS

Sworn to and subscribed before me this 20th day of September, 1994.

NOTARY PUBLIC

My Commission Expires: 3/25/95

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 194 Page 120 Given under my hand and official seal, at office in Nashville, this 15th of January 2010.

RICHARD R. ROOKER, CLERK

By _____ Deputy Clerk