FILED

IN THE PROBATE COURT OF DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE

2010 FEB 11 AM 10: 16

RICHARD R. ROOKER

D.C.

IN RE: ESTATE OF	)	
	)	
ANN KATHRYN WALKER GRAVES,	)	
DECEASED.	)	NO. 06P-1610
	)	
JERRY GRAVES, DONNA GOEHRING, LENA BUCK, LINDA MCKINNEY, EDWARD GRAVES, SHARON CARTY, DANIEL GRAVES, BARBARA WARD, WANDA LOVELL, and NADINE BILLS,	)	
	)	
Petitioners	)	

ORDER ON PETITION TO CONSTRUE THE WILL OF THE DECEDENT

This came to be heard on the 11th day of February, 2010, before the Honorable David R. Kennedy, Judge of the Probate Court, upon the Petition to Construe the Will of the Decedent, statements and arguments of counsel for the Petitioners, testimony of the Petitioners and the evidence offered thereon and upon the entire record of the cause and the Court finds as a matter of fact and **accordingly holds and orders, adjudges and decrees** as follows:

1. The holographic will was admitted to probate on October 10, 2006 after it was determined to be the last will and testament of said Ann Kathryn Walker Graves who died on August 27, 2006. Ann Kathryn Graves prepared her will dated on top of page November 16, 2001, and at bottom of page January 13, 2002, without benefit of legal consult or counsel.

2. Ann Kathryn Graves inherited 270 acres from her husband, George W. Graves, Jr. by his Last Will and Testament which was probated after his death on November 5, 1996.

BILL GARRETT, Davidson County
Trans:T20100010593 ORDER
Recvd: 02/23/10 09:32 7 pgs
Fees:37.00 Taxes:0.00
20100223-0013606

3. Within the decedent's will she list her daughters after her sons after which "To" their individual name followed by the number 24. The Court finds and orders, adjudges and decrees that the testatrix intended all devises to the female children to be 24 acres. Further, she gifted 273 acres rather than 270 acres and thus, acreage should be reduced appropriately.

4. That the devise to all the remaining 10 surviving children devisees of the 608.583 is as follows from the George Graves and Ann Kathryn Graves estates being Exhibit No. 4 to the trial brief. The total acres owned and percentages of the 608.583 acres for each child in fee simple absolute being an undivided interest of the whole is adjudged and decreed as follows:

Child	Total Acres	Percentage of 608.583 Division
Lena Ann Graves Buck	55.8982	9.185
Linda Kathryn Graves McKinney	55.8982	9.185
Jerry Donald Graves	75.7182	12.4417
Edward Neil Graves	68.6502	11.2803
Phyllis Madonna Graves Goehring	53.1912	8.7402
Sharon Joyce Graves Carty	55.8982	9.185
Daniel Bruce Graves	80.6722	13.2557
Barbara Elaine Graves Ward	50.8602	8.3571
Wanda Ruth Graves Lovell	55.8982	9.185
Nadine L. Graves Bills	55.8982	9.185

5. That the 2.707 acre (home place) devise to Donna and Ron Goehring is an addition to the 53.095 acres devise. Said lands and appurtenances thereon shall be conveyed herein and are hereby transferred and conveyed unto Phyllis Madonna Goehring and her husband, Ronald Ray Goehring, as tenants by the entireties, with right of the ownership in the survivor, their heirs and assigns, certain land situated in the General Services District of Davidson County, Tennessee, as follows:

> The following is a description of a portion of the Ann Graves Estate property located on a Gravel Road, approximately 0.86 miles northeast of Old Hickory Blvd. in the general services district of Davidson County, TN. (Reference: Deed Book 3532, Page 611; Will, Case #97P-782; Portion of Tax Parcel Identification #07900000100)
>
> Beginning at a point in the center of a gravel road that has been used by the Graves Family for ingress/egress to the described property, said point being the southwest corner of the described property; thence leaving said road and severing the remaining Graves property N 34°10'15" W, a distance of 15.89' to a ½" Rebar (set); thence N 34°10'15" W, a distance of 192.61' to a ½" Rebar (set) in an old fence; thence S 54°14'30" W, a distance of 88.00' to a ½" Rebar (set); thence N 34°15'17" W, a distance of 123.00' to a ½" Rebar (set) at a fence corner; thence N 27°12'19" W, a distance of 145.01' to a ½" Rebar (set) at a fence corner, being the northwest corner of the described property; thence N 55°44'25" E, a distance of 249.24' to a ½" Rebar (set) at a fence corner, being the northeast corner of the described property; thence S 47°38'02" E, a distance of 299.68' to a ½" Rebar (set) at a fence corner; thence S 26°19'20" W, a distance of 70.55' to a ½" Rebar (set) at a fence corner; thence S 33°12'34" E, a distance of 127.25' to a ½" Rebar (set) at a fence corner; thence S 33°12'34" E, a distance of 8.01' to a point in the center of said gravel road, said point being in the line of Jerry Graves and the point of curvature of a non-tangent curve, concave to the southeast, having a radius of 182.85' a central angle of 20°39'31", and a chord of 65.57' bearing S 53°30'02" W; thence southwest along a curve and the center of said road, a distance of 65.93' to a point; thence S 51°22'46" W, a distance of 42.22' to a point in the center of said road, being the northwest corner of Jerry Graves; thence continuing with the center of said

road S 51°22'46" W, a distance of 77.41' to the beginning point; said described tract contains 2.707 Acres as surveyed by Bart K. Lay R.L.S.# 2600 on January 12, 2010.

6. The first paragraph devise of Ann Kathryn Walker Graves' will is intended to vest fee simple title in all 10 children and thus, the acres are inherited in fee simple and the restriction upon sale is an unlawful restriction upon alienation which would result in no one holding title and is therefore a violation of the Rule against Perpetuities and is therefore void and for nothing held and the provision of the will: "This farm must not be sold without all ten children agreeing and then to one of them." is void and for nothing held, and is declared to be unenforceable as a matter of law.

7. Decedent's account at Sun Trust Account Number 0000036547603 ownership is determined by the signature card in which she designates survivorship rights to Edward N. Graves and he is declared to be the true and lawful owner of said account.

8. Decedent's bank account at SunTrust Bank Account Number 1000005570352 is an asset of the Estate.

9. That the Decedent's will contains no residual clause. Thus, any personal properties not listed or gifted or disposed of by the will shall be divided equally between all the heirs after expenses of the estate are satisfied.

10. Court costs is taxed the Estate of Ann Kathryn Walker Graves, for which execution may issue, if necessary.

ENTER this the 11th day of February, 2010.

HONORABLE DAVID R. KENNEDY, SR.,
Judge

Approved for entry:

FRANK BUCK #003617
Attorney for the Petitioners
& Estate of Ann Kathryn Walker Graves
124 West Main Street
Smithville, TN 37166
615 597-6725

CERTIFICATE OF SERVICE

I, hereby certify that I have mailed a true and correct copy of the aforesaid Order to:

Linda McKinney
5275 White Creek Pike
White Creek, TN 37189

Jerry Donald Graves
4388 Old Hickory Boulevard
Nashville, TN 37218

Edward Graves
4388 Old Hickory Boulevard
Nashville, TN 37218

Donna Goehring
4388 Old Hickory Blvd.
Nashville, TN 37218

Sharon Carty
1637 Maple Valley Road
Charlotte, TN 37036

Daniel Graves
4388 Old Hickory Boulevard
Nashville, TN 37218

Barbara Ward
4327 Pecan Valley Road
Nashville, TN 37218

Wanda Lovell
5301 Tidwell Hollow
Nashville, TN 37218

Nadine Bills
2080 Cedarmont Drive
Franklin, TN 37067

Lena Ann Buck
124 West Main Street
Smithville, Tennessee 37166

This the ____ day of February, 2010

BUCK & BUCK, ATTORNEYS

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 ORDER heretofore entered in the SEVENTH Circuit Court for Davidson County, Tennessee, on the 11 day of FEBRUARY , 2010 , in Case Number 06P1610 between GRAVES, JERRY DONALD ET.AL Petitioner, and GRAVES, ANN KATHRYN WALKER 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 16 day of FEBRUARY 2010

RICHARD R. ROOKER, Clerk,

By _____

Deputy Clerk

SEAL

