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FILED

IN THE SEVENTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
PROBATE DIVISION
2010 MAR -4 AM 10: 36

IN RE:

THE ESTATE OF KATHERINE G. HORNE

D.C.

Deceased, NO: 10P261

RONALD G. HORNE and
DALTON E. HORNE

Petitioners,

ORDER ADMITTING LAST WILL & TESTAMENT INTO PROBATE FOR MUNIMENT OF TITLE ONLY

This cause came on to be heard on the 4th day of March, 2010, before the Honorable Randy Kennedy, Judge of the Seventh Circuit Court for Davidson County, Tennessee, Probate Division, upon the Petition of Ronald G. Horne and Dalton E. Horne, pursuant to T.C.A. §32-2-111, submitting the Last Will & Testament of Katherine G. Horne for probate for muniment of title only; the testimony of the witnesses; the introduction of exhibits; the statements of counsel; and the entire record in this cause, from all of which the Court finds as follows:

1. This is a request for admission into probate of the Last Will & Testament of Katherine G. Horne, deceased;

2. Petitioners, Ronald G. Horne and Dalton E. Horne, are the natural sons of the decedent, the sole heirs-at-law of the decedent, and are nominated to serve as personal representatives in the Last Will & Testament of the decedent, Katherine G. Horne.

3. The decedent, Katherine G. Horne, was a citizen and resident of Nashville, Davidson County, Tennessee, on October 4, 2008;

BILL GARRETT, Davidson County
Trans:T20100014011 ORDER
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4. On October 4, 2008, the decedent, Katherine G. Horne, was over the age of eighteen (18) years; she was of sound mind; and she was free from any coercion or undue influence;

5. On October 4, 2008, the decedent, Katherine G. Horne, duly executed her Last Will & Testament, the original of which has been submitted to the Court;

6. The Last Will & Testament executed by the decedent, Katherine G. Horne, on October 4, 2008, was duly witnessed by Charles H. Welch and Martha Shanklin;

7. The decedent, Katherine G. Horne, died in Nashville, Davidson County, Tennessee, on November 11, 2009, at the age of eighty-six (86) years;

8. The Last Will & Testament of Katherine G. Horne, executed on October 4, 2008, was neither revoked nor amended during the decedent's lifetime;

9. The decedent was single and unmarried at the time of her death on November 11, 2009, her husbands, Mr. Dalton Leo Horne, and her second husband, Mr. Harry Tripp, having predeceased her. The decedent was the natural parent of two (2) children born during her lifetime. The surviving heirs-at-law of the decedent are as follows:

1. Mr. Ronald G. Horne (Son & Petitioner)
   54 ½ Bull Street
   Charleston, SC 29401

2. Mr. Dalton E. Horne (Son & Petitioner)
   709 Fort Johnson Road
   James Island, SC 29412

10. The beneficiaries designated in the Last Will & Testament of the decedent, Katherine G. Horne, are adults over the age of eighteen (18) years, are as follows:

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1. Mr. Ronald G. Horne (Son & Petitioner)
54 ½ Bull Street
Charleston, SC 29401

2. Mr. Dalton E. Horne (Son & Petitioner)
709 Fort Johnson Road
James Island, SC 29412

11. The sole asset subject to probate administration in this cause is a tract of real property located at 2400 Melbourne Drive, Nashville, Davidson County, Tennessee and is of record in Book 3286, Page 271 in the Register of Deeds Office for Davidson County, Tennessee;

12. The Last Will & Testament of the decedent devises and bequeaths the real property owned by the decedent to her two (2) sons, Ronald G. Horne and Dalton E. Horne;

13. The Last Will & Testament of the decedent nominates and appoints the Petitioners, Ronald G. Horne and Dalton E. Horne, to serve as personal representatives for the estate of the decedent, without bond; and

14. Based upon the foregoing, the Court is of the opinion that the Last Will & Testament of the decedent, Katherine G. Horne, executed on October 4, 2008, should be admitted into probate, pursuant to T.C.A. §32-2-111, and for muniment of title only.

The foregoing being the findings of the Court, and the Court having so ruled,

It is therefore, **ORDERED, ADJUDGED and DECREED** that the Petition to Probate Last Will & Testament for Muniment of Title Only, heretofore filed in this cause by the Petitioners, Ronald G. Horne and Dalton E. Horne shall be, and the same is hereby **GRANTED**.

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It is further **ORDERED, ADJUDGED and DECREED** that the Last Will & Testament of the decedent, Katherine G. Horne, executed on October 4, 2008, shall be, and the same is hereby admitted into probate as the true and valid testamentary instrument of the decedent, for the purpose of muniment of title only.

It is further **ORDERED, ADJUDGED** and **DECREED** that title to the real property previously owned by the decedent, Katherine G. Horne, and located at 2400 Melbourne Drive, Nashville, Davidson County, Tennessee, of record in Book 3286, Page 271 in the Register of Deeds office for Davidson County, Tennessee shall be, and the same is hereby transferred and vested in Ronald G. Horne and Dalton E. Horne, the beneficiaries designated in the Last Will & Testament of the decedent. Said real property is more particularly described as follows:

> "Being Lot No. 292 on the Plan of Sunset View, Section IV, as of record in Book 2854, page 63, Register's Office for said County, and described as follows:
>
> Beginning at a point in the westerly margin of Melbourne Drive, at the corner of Lots No. 292 and 293; thence with the line between said lots, northwesterly 121.1 feet to a point; thence southwesterly 134.25 feet to the northerly margin of Donna Hill Drive; thence with the margin of the same, southeasterly 149.99 feet to the beginning of a curve; thence around said curve, easterly 31.42 feet to the westerly margin of Melbourne Drive; thence with the margin of the same, northerly 120 feet to the beginning.
>
> Being the same property conveyed to Joseph R. Mejerle and wife, Janet H. Mejerle by deed from Perry W. Moskovitz and wife, Helen L. Moskovitz, of Record in Book 3222, page 509, said Register's Office.
>
> This conveyance is subject to the restrictions recorded in Book 2752, page 594, and in Book 2956, page 595, Register's Office, Davidson County, Tennessee, and to the limitations and easements as shown on the map of Record in Book 2956, page 63."

It is finally, **ORDERED, ADJUDGED** and **DECREED** that the costs of this cause shall be taxed to the Petitioners, Dalton E. Horne and Ronald G. Horne.

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ENTERED this 4 day of March, 2010.

HONORABLE RANDY KENNEDY, JUDGE

APPROVED FOR ENTRY:

Richard C. Eason, BPR # 005176
Attorney for Petitioners
1507 16th Avenue South
Nashville, Tennessee 37212
(615) 256-7600

## CERTIFICATE OF SERVICE

I hereby certify that I have not forwarded a copy of this Order to any other individuals, inasmuch as the Petitioners are the sole interested parties in this cause.

Richard C. Eason

**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 FINAL ORDER heretofore entered in the SEVENTH Circuit Court for Davidson County, Tennessee, on the 04 day of MARCH , 2010 , in Case Number 10P265 between HORNE, RONALD G ET.AL Petitioner, and HORNE, KATHERINE G 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 09 day of MARCH 2010

**RICHARD R. ROOKER,** Clerk,

By _____
Deputy Clerk

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