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IN THE SEVENTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

(PROBATE DIVISION)

BILL GARRETT, Davidson County
Trans:T20100025405 ORDER
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Fees:32.00 Taxes:0.00
20100428-0032329

BETTY JO TRUE, and)
BESSIE FRANCES BROOKS, and)
DAVID BROOKS, and)
PATRICIA BROOKS, and)
BURTON TRUE, and)
HELEN STEPHENS, and)
RUTH ALLISON,)
)
Petitioners,)
)
V.) NO. 10P-593
)
EX PARTE.)
)
IN RE:)
)
the Estate of DAVID H. TRUE,)
)
Deceased.)

ORDER

This cause came on to be heard before Robert High Bradshaw, Jr., Probate Master, on this, the 20th day of April, 2010, upon the sworn joint petition to probate by the surviving Will beneficiaries, and/or life tenant and devisees of the remainder interests in all real property owned by the decedent at the time of his death, as well as the residuary beneficiaries, and/or heirs-at-law, and/or next of kin, and/or interested parties, as applicable, with regard to the estate of the decedent, Mr. David H. True, for the limited purpose of establishing a certain four (4) page type-written paper writing, purporting to be the Last Will and Testament of the decedent, Mr. David H. True, as a muniment of title to all real estate or property owned by said decedent at the time of his death.

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Petitioner, Betty Jo True, a competent adult sister of the decedent, David H. True, who was nominated to serve as the personal representative in the paper writing, purporting to be the Last Will and Testament of the decedent offered with said joint Petition, appeared with counsel, who made a brief statement, from all of which it appears to the Court as follows:

1. Decedent, David H. True, died on January 14, 2010, and he was, at the time of his death, a resident of Davidson County, Tennessee, with his permanent residential address being 4705 Little Marrowbone Road, Ashland City, Davidson County, Tennessee 37015.

2. At the time of his death, decedent was 80 years of age. He was never married and had no children. Decedent was predeceased by his grandparents, and by his father, Henry Martin True, and by his mother, Katie Anna True, and by his brother, James H. True, (who was survived by a wife, Marjorie Upchurch True, but who had no surviving children or grandchildren), and by his sister, Susie A. True, (who was never married, and who was not survived by any children or grandchildren). In addition to Petitioners Betty Jo True and Bessie Frances Brooks, decedent was also survived by other siblings, being a brother, Burton E. True, and by sisters, Helen Stephens and Ruth Allison, all of whom are competent adults.

3. Petitioners averred that there was a paper writing in existence at the time of decedent's death, which purports to be a Last Will and Testament of David H. True, said instrument consisting of four (4) type-written pages, and which paper writing has not previously been offered for probate, nor has an administration been commenced regarding this estate. The original of said four (4) page type-written paper writing, along with an additional attached page purporting to be an Affidavit of two (2) disinterested competent adult witnesses to the decedent's execution of the said paper writing, were filed with said joint Petition.

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4. Petitioners are not aware of any instrument revoking said paper writing offered for probate, and they believe this document to be decedent's Last Will and Testament.

5. Said paper writing gives, devises and bequeaths a life estate in decedent's real property to his surviving competent adult sister, Bessie Frances Brooks, who presently resides upon a portion of said real property.

6. The legatees and/or devisees provided for under said purported Last Will and Testament are as set forth below:

Bessie Frances Brooks, sister, a pecuniary bequest and life estate beneficiary, whose address is: 4709 Little Marrowbone Road, Ashland City, Tennessee 37015; and

David Brooks, decedent's nephew, a joint residuary beneficiary, and a joint beneficiary of the remainder interest in the real estate fee, whose address is: 4751 Little Marrowbone Road, Ashland City, Tennessee 37015; and

Patricia Brooks Eads, decedent's niece, a joint residuary beneficiary, and a joint beneficiary of the remainder interest in the real estate fee, whose address is: 3814 Flewellyn Road, Springfield, Tennessee 37172.

7. Petitioners stated to the Court, pursuant to the provisions of *Tennessee Code Annotated*, Section 71-5-116, that the decedent was not enrolled in the TennCare program at the time of his death, and/or did not receive long term, *i.e.*, nursing home care benefits.

8. The decedent owned some personal property of minimal value, personal effects and clothing at the time of his death.

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9. At the time of his death, the decedent owned real estate in fee simple, said land being a house and an approximately 106.58 acre tract, more or less, shown on Map 37, Parcel 27, located at 4705 Little Marrowbone Road, Ashland City, Davidson County, Tennessee 37015; and a tract with a mobile home presently situated upon the approximately 5.01 acre tract, more or less, shown on Map 37, Parcel 67, located at 4751 Little Marrowbone Road, Ashland City, Davidson County, Tennessee 37015; and an unimproved tract, being approximately .25 acre more or less, shown on Map 37, Parcel 9, located on Little Marrowbone Road, Ashland City, Davidson County, Tennessee 37015.

10. The decedent nominated his sister, Petitioner Betty Jo True, to serve as personal representative, and expressly waived bond. However, Petitioners herein have not requested the issuance of Letters Testamentary to her, nor any court supervised administration of this estate, pursuant to the provisions of *Tennessee Code Annotated*, Section 32-2-111.

Accordingly, the Court finds, and it is **ORDERED, ADJUDGED,** and **DECREED** that the said paper writing purporting to be the Last Will and Testament of David H. True is in fact his true and authentic Last Will and Testament, and that the same shall be, and is hereby admitted to probate as the true and authentic Last Will and Testament of David H. True, together with the Affidavit attached thereto, for the limited purpose of establishing said Last Will and Testament as a muniment of title to all of the real estate or property that was owned by David H. True at the time of his death, being a house and an approximately 106.58 acre tract, more or less, shown on Map 37, Parcel 27, located at 4705 Little Marrowbone Road, Ashland City, Davidson County, Tennessee 37015; and a tract with a mobile home presently situated upon an approximately 5.01 acre tract, more or less, shown on Map 37, Parcel 67, located at 4751 Little

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Marrowbone Road, Ashland City, Davidson County, Tennessee 37015; and an unimproved tract, being approximately .25 acre more or less, shown on Map 37, Parcel 9, located on Little Marrowbone Road, Ashland City, Davidson County, Tennessee 37015; and it is hereby so determined and declared.

ROBERT HIGH BRADSHAW, JR.
Probate Master

APPROVED FOR ENTRY:

JAMES C. MIDGETT, JR.
Attorney for Petitioner,
Betty Jo True
Supreme Court Registration #7366
6240 Eatons Creek Road
Joelton, TN 37080-8778
(615) 876-2264

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing proposed Order has been delivered, or has been forwarded, by U. S. Mail, with sufficient postage prepaid, addressed to the following interested parties: Ms. Betty Jo True, personal representative, 7414 Wilkinson Road, Joelton, TN 37080, and to Ms. Bessie Frances Brooks, 4709 Little Marrowbone Road, Ashland City, TN 37015; and to Mr. David Brooks, 4751 Little Marrowbone Road, Ashland City, TN 37015; and to Ms. Patricia Brooks Eads, 3814 Flewellyn Road, Springfield, TN 37172; and to Mr. Burton True, 6365 Old Hickory Boulevard, Whites Creek, TN 37189; and to Ms. Helen Stephens, c/o Ms. Vicky Doris, 6230 Highway 431N, Springfield, TN 37172; and to Ms. Ruth Allison, 1139 Pleasant Valley Road, Chapmansboro, TN 37035, on this, the 12th day of April, 2010.

JAMES C. MIDGETT, JR.

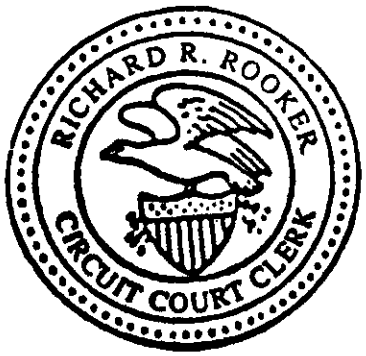
STATE OF TENNESSEE

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 20 day of APRIL , 2010 , in Case Number 10P593 between TRUE, BETTY JO Petitioner, and TRUE, DAVID H 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 23 day of APRIL 2010

RICHARD R. ROOKER, Clerk,

SEAL



By _____
Deputy Clerk