Copy

FILED

2009 MAR 11 AM 11:02

RICHARD R. ROOKER, CLERK

D.C.

LAST WILL AND TESTAMENT OF HELEN R. GARRETT

I, **HELEN R. GARRETT**, (date of birth: 8/18/1916) of Davidson County, Tennessee, and presently residing at 5926 East Ashland Drive, Nashville, Tennessee 37215, being of sound mind and disposing memory, do hereby make, publish and declare this to be my Last Will and Testament hereby revoking any and all Wills and Codicils at anytime heretofore made by me.

I declare that I am a widow and I have two (2) children, HELEN LUISE GARRETT LOWE and DOREEN GARRETT MATHENEY. I further declare that I have four (4) grandchildren, LLOYD LOWE; SIGRID FUDGE; SONYA HAMLIN; and MANOUS BRACEY, IV, all adults. Any reference to a child or grandchild shall refer respectfully only to these named individuals.

ARTICLE I

I direct that all of my just debts, funeral expenses, taxes and expenses of administration, including any interest or penalty thereon, of my estate be paid as soon as practicable after my death by my Executor as hereinafter named from the assets that I own at the time of my death, and I hereby authorize my Executor, at his or her discretion, to sell such of my property, be it real, personal, or mixed, as is necessary to pay the same.

BILL GARRETT, Davidson County
Trans:T20100031482 WILL
Recvd: 05/25/10 15:53 6 pgs
Fees:32.00 Taxes:0.00
20100525-0040358

H R Garrett

Copy

ARTICLE II

I give, devise, and bequeath my house and lot located at 5926 East Ashland Drive, Nashville, TN 37215, which is presently free and clear of any debt, to my grandson, MANOUS BRACEY, IV presently of Franklin, Tennessee, in full and absolute title.

If MANOUS BRACEY, IV, predeceases me or we shall die in a common accident then in that event, it is my Will and I hereby direct that that share of my estate that would have passed to him had he survived me, I give devise and bequeath to DOREEN GARRETT MATHENEY, absolutely and full title.

ARTICLE III

I give and bequeath all of my furniture, furnishings, and personal effects to my two daughters such as they shall choose among them under such plan or arrangement as my Executor shall determine in his absolute discretion and no beneficiary shall question his decision. If there is an impasse in the choice of such an item or items and the same cannot be satisfactorily resolved by my Executor in his absolute discretion, then I clothe my Executor with the discretion of selling such items in controversy or in conflict and to distribute the net proceeds from such sale under the terms of my residuary estate, Article IV of this my Will.

ARTICLE IV

All the rest, residue, and remainder of my Estate, whether personal real or

HRB

Copy

mixed which I may now or forever have an interest in at the time of my death and which I have not otherwise effectively disposed of herein, I direct shall be divided equally between my two daughters, HELEN LUISE GARRETT LOWE and DOREEN GARRETT MATHENEY, in equal shares, share and share alike, absolutely and in full title.

In the event that HELEN LUISE GARRETT LOWE shall predecease me or we she die as a result of a common accident then I direct that that share of my estate that would have passed to her had she survived me shall instead pass and go to her three children, LLOYD LOWE, SIGRID FUDGE, and SONYA HAMLIN, absolutely and in full title. In the event that DOREEN GARRETT MATHENEY shall predecease me or we she die as a result of a common accident then I direct that that share of my estate that would have passed to her had she survived me shall instead pass and go to my grandson MANOUS BRACEY, IV, absolutely and in full title.

ARTICLE V

I hereby nominate, constitute and appoint my grandson, MANOUS BRACEY, IV, to serve as Executor of this my Last Will and Testament and direct that he be permitted to serve without bond. In the administration of my estate the Executor shall have all of the powers enumerated and set forth in TCA 35-50-110, subparagraphs 1 through 32, where applicable, except subparagraph 19, of the Tennessee Code Annotated, the provisions of which are specifically incorporated herein by reference,

HRH

Copy

but it is my intention that incorporation by reference into this Will of the powers hereinabove referred to contained in the Tennessee Code Annotated be effective in whatever State this instrument shall ultimately achieve effect by virtue of my death, this device being for the purpose of shortening my Will and not for the purpose of compelling the application of Tennessee law to the administration of my estate.

ARTICLE VI

It is my express Will and direction that if any of the beneficiaries of this my Will, or heirs at law, contest the terms of this my Will, then those persons who shall contest any provision of my Will shall forfeit any and all rights to share in any portion of my estate, whether as a beneficiary of my Will, or as an heir at law.

IN WITNESS WHEREOF, I have hereunto set my signature on this my Last Will and Testament, consisting of this and the preceding 3 pages, on the 21 day of March, 2005.

Helen R. Garrett
HELEN R. GARRETT

Signed by the said, **HELEN R. GARRETT**, as and for her Last Will and Testament, in the presence of us, the undersigned who, at her request and in her sight and presence, and in the presence of each other, have subscribed our names hereto as attesting witnesses this the 21 day of March, 2005.

HRN

Copy

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

AFFIDAVIT

Pamela B. Duer and Philip H. Duer being after being duly sworn according to law, depose and say:

1. That they are adult citizens and residents of Davidson and Williamson Counties, respectfully;

2. That they witnessed the execution of the Last Will and Testament of **HELEN R. GARRETT** dated the 21 day of March, 2005, to which this Affidavit is attached, and that this Affidavit is being made at the request of the Testatrix and in accordance with T.C.A. Section 32-2-110;3. That their signatures are affixed to said Last Will and Testament of **HELEN R. GARRETT** and that they signed or affixed same at the instant and request of the Testatrix, and in her sight and presence and in the sight and presence of each other, at the place and on the date recited in said Last Will and Testament;

3. That the Testatrix signed said paper writing as and for her Last Will and Testament in their sight and presence. That at the time they witnessed the execution of said Will, the Testatrix was, in their opinion, of sound mind.

Pamela B. Duer
WITNESS
1304 Red Oak Dr. Brentwood, Tn. 37027
ADDRESS

WITNESS
530 Church St. Suite 500
ADDRESS Nashville, Tn. 37219

SWORN TO AND SUBSCRIBED BEFORE ME THE 21 DAY OF March 2005

Cynthia Thomas
NOTARY PUBLIC

My Commission Expires: 3/22/05

NOTARY PUBLIC AT LARGE DAVIDSON COUNTY

Copy

Pamela B. Duer
WITNESS
1304 Red Oak Dr.
Brentwood, TN 37027
ADDRESS

WITNESS 530 Church St. Suite 500
Nashville, Tn.
ADDRESS 37219

THIS INSTRUMENT PREPARED BY:

PHILIP W. DUER, BPR 46467
Attorney at Law
Cornerstone Square
530 Church Street, Suite 500
Nashville, TN 37219
(615) 301-4800
Facsimile: (615) 301-4802

RICHARD R. ROOKER CIRCUIT COURT CLERK

I hereby certify that this is a true copy of the instrument filed in my office this 21 day of May 20 10
RICHARD R. ROOKER, CLERK
Deputy Clerk