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LAST WILL AND TESTAMENT

OF

LUCILLE D. JAMES

I, **LUCILLE D. JAMES**, domiciled in Cookeville, Putnam County, Tennessee, being of sound mind and disposing memory, do make, declare and publish this my Last Will and Testament, hereby revoking all Wills and Codicils heretofore made by me.

ARTICLE I

I direct that all of my just debts, my funeral expenses, including the cost of a suitable monument at my gravesite, and the costs of administration of my estate be paid as soon as practicable after my death. My Executor, at his sole discretion, may pay from my domiciliary estate all or any portion of the cost of ancillary administration and similar proceedings in other jurisdictions.

ARTICLE II

I appoint my son, **THOMAS KIMBERLY JAMES**, to be the Executor of this my Last Will and Testament. In the event **THOMAS KIMBERLY JAMES** shall predecease me, fails to qualify, or refuses to serve, I nominate and appoint my son, **CHARLES MICHAEL JAMES**, as the sole Executor. I direct that no bond be required by any named Executor for the faithful performance of his duties. I waive the requirement that my Executor file an inventory of my estate. I also waive the requirement that my Executor file an accounting. I vest my Executor with the full power and authority to sell, transfer and convey any property, real, personal or mixed, which I may own at my death at such time and price and upon such terms and conditions as he may determine and to do every other act and thing necessary or appropriate for the complete administration of my Estate.

CERTIFICATION

I, **Marcia Borys**, Probate Court Clerk of Putnam County, TN do hereby certify this instrument to be a true and perfect copy of the original document on file. WITNESS my hand and official seal of the office at Cookeville TN on this 13 day of July, 20 10

Marcia Borys AH

Marcia Borys, Probate Court Clerk

FILED
DATE 7-13-10 AH
MARCIA BORYS
PUTNAM COUNTY PROBATE CLERK

ARTICLE III

I devise to my son, **THOMAS KIMBERLY JAMES**, in fee, absolutely and without restriction, my real property located in Calloway County, Kentucky, consisting of fifty-five (55) acres more or less, more particularly described as the farm property and known as the family property of Gaylon and Audie James. If my son, **THOMAS KIMBERLY JAMES**, predeceases me, then I devise the property described in this Article III to his spouse at the time of his death, if any. If my son, **THOMAS KIMBERLY JAMES**, predeceases me and was unmarried at the time of his death, then I devise the property described in this Article III to my son, **CHARLES MICHAEL JAMES.** If my son, **CHARLES MICHAEL JAMES**, predeceases me, then I devise the property described in this Article III to my daughter-in-law, **JUANDA JAMES**. If both my son, **CHARLES MICHAEL JAMES** and my daughter-in-law, **JUANDA JAMES**, predecease me, then I give and devise the property described in this Article III to my granddaughter, **MEGAN JAMES CARPENTER**, *per stirpes.*

ARTICLE IV

I give and bequeath to my son, **THOMAS KIMBERLY JAMES**, absolutely and without restriction, an annuity issued by Peoples Benefit Life, Contract Number 520F117294. If my son, **THOMAS KIMBERLY JAMES**, predeceases me, then I give and devise this annuity as described in this Article IV to his spouse at the time of his death, if any. If my son, **THOMAS KIMBERLY JAMES**, predeceases me and was unmarried at the time of his death, then I devise the property described in this Article IV to my son, **CHARLES MICHAEL JAMES**. If my son, **CHARLES MICHAEL JAMES**, predeceases me, then I devise the property described in this Article IV to my daughter-in-law, **JUANDA JAMES**. If both my son, **CHARLES MICHAEL JAMES** and my daughter-in-law, **JUANDA JAMES**, predecease me, then I give and devise the property described in this Article IV to my granddaughter, **MEGAN JAMES CARPENTER**, *per stirpes*.

ARTICLE V

I give and devise to my son, **THOMAS KIMBERLY JAMES**, personal property, including but not limited to cash, household furnishings, etc., in the amount of Three Hundred Forty Thousand Dollars ($340,000.00). My Executor is authorized to sell any or all of my personal property and distribute cash or distribute property of equal value in his determination to satisfy this devise. If my son, **THOMAS KIMBERLY JAMES**, predeceases me, then I give his share of the property described in this Article V to his

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spouse at the time of his death, if any. If my son, **THOMAS KIMBERLY JAMES**, predeceases me and was unmarried at the time of his death, then I devise the property described in this Article V to my son, **CHARLES MICHAEL JAMES**. If my son, **CHARLES MICHAEL JAMES**, predeceases me, then I devise the property described in this Article V to my daughter-in-law, **JUANDA JAMES**. If both my son, **CHARLES MICHAEL JAMES** and my daughter-in-law, **JUANDA JAMES**, predecease me, then I give and devise the property described in this Article V to my granddaughter, **MEGAN JAMES CARPENTER**, *per stirpes.*

ARTICLE VI

I devise to my son, **CHARLES MICHAEL JAMES**, in fee, my real property with a dwelling located at 6443 Currywood Drive, Nashville, Davidson County, Tennessee, valued for purposes of this my Last Will and Testament at Three Hundred Forty Thousand Dollars ($340,000.00). If my son, **CHARLES MICHAEL JAMES**, predeceases me, then I give and devise the property described in this Article VI to my daughter-in-law, **JUANDA JAMES**. If both my son, **CHARLES MICHAEL JAMES**, and my daughter-in-law, **JUANDA JAMES**, predecease me, then I give and devise the property described in this Article VI to my granddaughter, **MEGAN JAMES CARPENTER**, *per stirpes.*

ARTICLE VII

In the event there is insufficient personal property to satisfy the devise to my son, **THOMAS KIMBERLY JAMES**, as described in Article V, my son, **CHARLES MICHAEL JAMES**, or the other substitute beneficiaries as described in Article VI, shall pay to **THOMAS KIMBERLY JAMES,** or his substitute beneficiary as described in Article V, cash funds in an amount necessary to equalize the distribution of the properties described in Articles V and VI above, so that each respective beneficiary in Articles V and VI above nets an equal share of the cash value of the properties described in Articles V and VI.

ARTICLE VIII

I devise to my sons, **THOMAS KIMBERLY JAMES** and **CHARLES MICHAEL JAMES,** all remaining real property which I may own at the time of my death, or over which I have a power of appointment, wheresoever situated, in equal shares, upon the basis of monetary value, the distribution of which is to be determined by my Executor. My Executor is authorized to sell any or all of the real property and distribute cash or distribute property of equal value in his determination. If my son, **THOMAS KIMBERLY**

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JAMES, predeceases me, then I give his share of the property described in this Article VIII to his spouse at the time of his death, if any. If my son, **THOMAS KIMBERLY JAMES**, predeceases me and was unmarried at the time of his death, then I devise the property described in this Article VIII to my son, **CHARLES MICHAEL JAMES**. If my son, **CHARLES MICHAEL JAMES**, predeceases me, then I give and devise the property described in this Article VIII to my daughter-in-law, **JUANDA JAMES**. If both my son, **CHARLES MICHAEL JAMES**, and my daughter-in-law, **JUANDA JAMES**, predecease me, then I give and devise the property described in this Article VIII to my granddaughter, **MEGAN JAMES CARPENTER**, *per stirpes.*

ARTICLE IX

I give and bequeath all remaining personal property which I may own at the time of my death, wheresoever situated, to my sons, **CHARLES MICHAEL JAMES** and **THOMAS KIMBERLY JAMES**, in equal shares, share and share alike, the distribution of which is to be determined by my Executor. My Executor is authorized to sell any or all of my remaining personal property and distribute cash or distribute property of equal value in his determination. If my son, **THOMAS KIMBERLY JAMES**, predeceases me, then I give his share of my remaining personal property as described in this Article IX to his spouse at the time of his death, if any. If my son, **THOMAS KIMBERLY JAMES**, predeceases me and was unmarried at the time of his death, then I devise the property described in this Article IX to my son, **CHARLES MICHAEL JAMES**. If my son, **CHARLES MICHAEL JAMES**, predeceases me, then I give and devise the property described in this Article IX to my daughter-in-law, **JUANDA JAMES**. If both my son, **CHARLES MICHAEL JAMES**, and my daughter-in-law, **JUANDA JAMES**, predecease me, then I give and devise the property described in this Article IX to my granddaughter, **MEGAN JAMES CARPENTER**, *per stirpes.*

ARTICLE X

All the rest, residue and remainder of my estate, real, personal or mixed, of every nature and wheresoever situated, including lapsed legacies and devises, remainders, reversions, expectancies, income collected during the period of administration of my estate and all property of which I have power of testamentary disposition, control or appointment, I give, devise and bequeath to my sons, **CHARLES MICHAEL JAMES** and **THOMAS KIMBERLY JAMES**, in equal shares, share and share alike, the distribution of which is to be determined by my Executor. If my son, **THOMAS KIMBERLY JAMES**, predeceases me, then I give his share of the property described in this Article X to his

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spouse at the time of his death, if any. If my son, **THOMAS KIMBERLY JAMES**, predeceases me and was unmarried at the time of his death, then I devise the property described in this Article X to my son, **CHARLES MICHAEL JAMES**. If my son, **CHARLES MICHAEL JAMES**, predeceases me, then I give and devise the property described in this Article X to my daughter-in-law, **JUANDA JAMES**. If both my son, **CHARLES MICHAEL JAMES**; and my daughter-in-law, **JUANDA JAMES**, predecease me, then I give and devise the property described in this Article X to my granddaughter, **MEGAN JAMES CARPENTER**, *per stirpes*.

ARTICLE XI

I authorize my Executor including any substitute or successor personal representative in the exercise of reasonable discretion with respect to all property, real and personal, at any time forming part of my estate or any trust, to exercise any or all the powers set forth in *Tennessee Code Annotated* Section 35-50-110, to the extent applicable, all of which provisions and powers are incorporated herein by reference as fully as if copied herein verbatim. These powers are granted, notwithstanding that said statute may be amended hereafter or repealed at the time of my death.

ARTICLE XII

In the event any executor, or alternate thereof, designated under this Last Will and Testament is a non-resident of Tennessee at the time of my death, I waive the requirement that a resident co-fiduciary be appointed.

ARTICLE XIII

The Executor designated under the terms of this Last Will and Testament may, at his election, be compensated for services rendered in the discharge of his respective duties as Executor of the Estate, and shall receive reimbursement for the reasonable expenses incurred in the discharge of his respective duties.

ARTICLE XIV

If after qualifying and beginning to serve any designated fiduciary shall die, resign, be removed from office or otherwise unable to serve, the designated alternative shall serve as the substitute fiduciary under the same terms and conditions as the designated fiduciary.

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IN WITNESS WHEREOF, I hereunto subscribe my name to this Last Will and Testament consisting of this and five (5) preceding typewritten pages, and for the purpose of identification, I have initialed each such page, all in the presence of the persons witnessing it at my request on this 18th day of March, 2005, in Cookeville, Putnam County, Tennessee.

Lucille D. James

LUCILLE D. JAMES

The foregoing instrument, consisting of this and five (5) preceding typewritten pages, was signed, sealed and published and declared by **LUCILLE D. JAMES**, the Testatrix, to be her Last Will and Testament in our presence and we, at her request and in her presence and in the presence of each other, have hereunto subscribed our names as witnesses, this 18th day of March, 2005, at Cookeville, Putnam County, Tennessee.

Margaret L. Noland residing at Crossville, Tennessee

Sue B. Parker residing at Baxter, Tennessee

State of Tennessee
County of Putnam, ss:

Margaret L. Noland and Sue B. Parker,

after being duly sworn according to law, depose and say:

1. That they are adult citizens of Crossville, Tennessee and Baxter, Tennessee.

2. That they witnessed the execution of the Last Will and Testament of **LUCILLE D. JAMES**, to which this affidavit is attached, and that this affidavit is being made at the request of the Testatrix, and in accordance with *Tennessee Code Annotated* Section 32-2-110.

3. That their signatures are affixed to said Last Will and Testament, that they signed or affixed the same at the instance and at the request of the Testatrix and in her

presence, and in the presence of each other, at the place and on the date recited in said Last Will and Testament.

4. That the Testatrix signed said paper writing as and for her Last Will and Testament in their sight and presence.

5. That at the time they witnessed said Last Will and Testament, the Testatrix was in their opinion of sound mind.

Margaret L. Noland

Sue B. Parker

Subscribed and sworn to before me this 18th day of March, 2005.

NOTARY PUBLIC

My Commission Expires:

10-22-05

SARA HARGROVE ERGER
NOTARY PUBLIC AT LARGE
PUTNAM COUNTY, TN

FIRST CODICIL TO THE LAST WILL AND TESTAMENT

OF

LUCILLE D. JAMES

I, **LUCILLE D. JAMES**, domiciled in Putnam County, Tennessee, being of sound mind and disposing memory, do make, publish and declare this to be the First Codicil to the Last Will and Testament executed by me on March 18, 2005 in the presence of Margaret L. Noland and Sue B. Parker.

I add the following Article XV to my said will dated March 18, 2005:

ARTICLE XV

If any beneficiary hereunder shall contest the probate or validity of this will or any provision thereof, or shall institute or join in any proceeding to contest the validity of this will or to prevent any provision thereof from being carried out in accordance with its terms, regardless of whether or not such proceedings are instituted in good faith and with probable cause, then all benefits provided for such beneficiary are revoked and such benefits shall pass to the residuary beneficiaries of this will, other than the contesting beneficiary, in the proportion that the share of each such residuary beneficiary bears to the aggregate of the effective shares of the residuary. Each benefit conferred herein is made on the condition precedent that the beneficiary shall accept and agree to all of the provisions of this will and the provisions of this Article XV are an essential part of each and every benefit.

CERTIFICATION

I, **Marcia Borys**, Probate Court Clerk of Putnam County, TN do hereby certify this instrument to be a true and perfect copy of the original document on file, WITNESS my hand and official seal of the office at Cookeville TN on this 13 day of July, 20 10.

Marcia Borys

Marcia Borys, Probate Court Clerk

Lucille D. James

LDJ

FILED

DATE 7-13-10 AM

MARCIA BORYS

PUTNAM COUNTY PROBATE CLERK

In all other respects I ratify and confirm all of the provisions of my said will dated March 18, 2005.

IN TESTIMONY WHEREOF, I have hereunto subscribed by name to this the First Codicil to my Last Will and Testament dated March 18, 2005, said codicil consisting of this and one (1) previous typewritten page, and for the purpose of identification I have initialed each such previous page, all in the presence of the persons witnessing it at my request on this 25th day of October, 2005, in Cookeville, Tennessee.

Lucille D. James

LUCILLE D. JAMES

The foregoing instrument, consisting of this and one (1) preceding typewritten pages, was signed, sealed and published and declared by **LUCILLE D. JAMES**, the Testatrix, to be the First Codicil to her Last Will and Testament dated March 18, 2005, in our presence and we, at her request and in her presence and in the presence of each other, have hereunto subscribed our names as witnesses, this 25th day of October, 2005, at Cookeville, Putnam County, Tennessee.

Margaret L. Noland residing at Crossville Tennessee

Sue B. Parker residing at Baxter, Tennessee

State of Tennessee
County of Putnam, ss:

Margaret L. Noland and Sue B. Parker, after being duly sworn according to law, depose and say:

1. That they are adult citizens of Crossville, Tennessee and Baxter, Tennessee.

2. That they witnessed the execution of the First Codicil to the Last Will and Testament of **LUCILLE D. JAMES**, to which this affidavit is attached, and that this affidavit is being made at the request of the Testatrix, and in accordance with *Tennessee*

Code Annotated Section 32-2-110.

3. That their signatures are affixed to said First Codicil to the Last Will and Testament of **LUCILLE D. JAMES**, that they signed or affixed the same at the instance and at the request of the Testatrix and in her presence, and in the presence of each other, at the place and on the date recited in said First Codicil to the Last Will and Testament.

4. That the Testatrix signed said paper writing as and for her First Codicil to her Last Will and Testament in their sight and presence.

5. That at the time they witnessed said First Codicil to her Last Will and Testament, the Testatrix was in their opinion of sound mind.

Margaret L. Bland

Sue B. Parker

Subscribed and sworn to before me this 25 day of October, 2005.

Judy A Jennings

NOTARY PUBLIC

My Commission Expires:

8-20-08

JUDY A. JENNINGS
STATE OF TENNESSEE NOTARY PUBLIC
PUTNAM COUNTY