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RICHARD R ROOKER, CLERK

D.C.

Last Will and Testament

BILL GARRETT, Davidson County
Trans:T20100068637 WILL
Recvd: 10/29/10 10:08 5 pgs
Fees:27.00 Taxes:0.00
20101029-0086622

OF

EDWARD TATE

I, EDWARD TATE, of Davidson County, Tennessee, do make, declare and publish this to be my Will, hereby revoking all wills and codicils which I have made previously.

I.
APPOINTMENT OF EXECUTOR

I hereby appoint my wife, Jolene V. Tate, as Executrix to serve as the personal representative of this my Last Will & Testament. I direct that no bond or other surety be required of the above serving as my personal representative in any jurisdiction. In the event my wife is unable or fails to qualify as Executrix, I then and in that event appoint David A. Creighton and Kristine Creighton as substitute Co-Executors.

II.
FIDUCIARY POWERS

I direct that my personal representative, with respect to my estate, be authorized to exercise in her discretion, all of the fiduciary powers contained in introductory paragraphs and the subparagraphs numbered 1-32 inclusive of Tennessee Code Annotated Section 35-50-110, and I hereby incorporate by reference said Code verbatim. I further direct that in the event said section has been amended or repealed, the fiduciary powers in effect at the date of execution of this Last Will & Testament, hereinabove specified, shall remain without diminution or restriction as the authorized powers of my personal representative or her successors.

III.
PAYMENT OF DEBTS, ADMINISTRATION EXPENSES, AND TAXES

I direct that all my just debts, my funeral expenses, unpaid charitable pledges and the costs of administration of my estate be paid out of my general estate by my Executrix as soon as practicable after my death. To this end, I authorize my Executrix to sell any of my property, real, personal or mixed and to execute all conveyance as necessary to effectuate such sale. I direct my Executrix to pay all state, inheritance, succession and other debt taxes that may be payable to or chargeable against my estate or any of the beneficiaries thereof out of my general estate an expense administration without appointment or proration among several beneficiaries legacies and advisees.

IV.

V.

DISPOSITION OF ENTIRE ESTATE

I hereby devise and bequeath my entire estate of whatsoever I may own at the time of my death, be it real, personal or mixed, and wheresoever situated unto my wife, Jolene V. Tate.

In the event that my wife, Jolene V. Tate, does not survive me or if she and I die at the same time or in a common disaster, I devise and bequeath all my property, both real and personal in equal shares to my grandchildren, Lamont Tate, April Tate, La Quesey Tate, Meredith Burkhold, Clinton Burkhold, Sierra Kay Tate, Sedrick Tate, Andrea Tate, and any other grandchildren that may be born after the execution of this, my Last Will & Testament, in trust, each to share and share alike. Each grandchild upon reaching the age of 18 years, will receive the sum of $10,000.00 to be used towards their higher education, with each of their remaining respective shares being held in trust until their 25th birthday. Upon each grandchild attaining the age of 25 years, they shall receive the balance of their remaining share of the corpus of the trust, including their share of any interest earned thereon. Upon the last grandchild attaining the age of 25 years, the Trust shall cease.

VI.
TRUST

I hereby appoint David A. Creighton, Jr., and Kristine Crieghton, Co-Trustees, and direct that they shall manage, control invest, reinvest, and distribute upon the following terms and conditions:

1. The Trustees shall maintain the children's share of the estate until the children reach 18 years of age at which time they will receive $10,000.00 to be used for their education as set out above. When each child reaches the age of 25 years they shall receive the remainder of their respective shares.

2. If at anytime the Trustees, in their sole and unlimited discretion, shall be of the opinion that it is necessary or desirable to encroach upon the corpus of the trust for the maintenance and support, health, or education of the children the Trustees are hereby authorized to encroach upon the corpus of the trust to whatever extent they may determine to be necessary, proper, or desirable. This power of encroachment upon the corpus of the trust is a continuing power for the duration of this trust.

3. Upon the termination of this trust, Trustees shall distribute the corpus and accumulated income, either in cash or in kind. The powers of the Trustees to sell and transfer the corpus of the trust shall continue to the extent necessary in order to enable the Trustees to wind up the trust estate, pay the expenses thereof, and distribute the corpus to the children.

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4. When all the children have reached the age of 25, I direct the Trustees to terminate the trust as outlined above.

VII.
STATUTORY POWERS

The Executrix shall have, and may exercise, in addition to any other powers conferred, in this Will and the powers exercised above by law, any and all of the powers described in the introductory paragraph and subparagraph of Sections 1-32 T.C.A. Section 35-50-110 to the extent applicable, all of which provisions and powers are incorporated herein by reference as fully as is copied herein verbatim.

IN TESTIMONY WHEREOF, I have subscribed my name to this my Last Will and Testament, consisting of this and 2 preceding typewritten pages, and for the purposes of identification I have subscribed my signature to each page, all in the presence of the persons witnessing it at my request on this 29 day of APR., 1999, at NASHVILLE, TN.

EDWARD TATE

This instrument was, on the day and year above written signed published and declared by EDWARD TATE, to be his Last Will and testament in our presence, and we, at his request, have signed our names hereinbelow, as attesting witnesses to this instrument, in his presence and in the presence of each other.

WITNESS: Pamela Grant

ADDRESSES: 500 Church St. Nashville, TN

WITNESS: Keith Shaw

ADDRESSES: 600 VILLAGE TRACE CT NASH, TN 37211

WITNESS: Stephanie Sharp

ADDRESSES: 500 Church St. Nashville, TN

COPY

WITNESSES' AFFIDAVIT

We, the undersigned, being duly sworn, make oath as follows:

That on the day and date below written, EDWARD TATE, declared and signified to us that the foregoing instrument was his Last Will and testament; that he signed the same in our sight and presence; and in his sight and presence and in the sight and presence of each other we subscribed our names hereto as attesting witnesses; that at the time, he was more than eighteen (18) years of age, of sound mind and memory, and not under any undue influence; and that we being all the attesting witnesses to said instrument, make and sign this Affidavit at his request the 29 day of April, 1999.

WITNESS:

(signature) Keith Sharp

(signature) Stephanie Sharp

(signature) Pamela L Grandstaff

STATE OF TENNESSEE)
)
COUNTY OF DAVIDSON)

Personally appeared before me, Larry B Hoover, a Notary Public for said State and County,

WITNESS:

(type/print) Keith Sharp

(type/print) Stephanie Sharp

(type/print) Pamela L. GRANDSTAFF

With whom I am personally acquainted and who signed and executed the foregoing attestation clause and affidavit, and who being duly sworn, acknowledged that they signed and executed the same for the purposes therein contained.

WITNESS my hand and Notarial Seal at office this 29 day of April, 1999.

NOTARY PUBLIC

MY COMMISSION EXPIRES 11/30/02

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 LAST WILL AND TESTAMENT heretofore entered in the SEVENTH Circuit Court for Davidson County, Tennessee, on the 13 day of OCTOBER , 2010 , in Case Number 10P1509 between TATE, JOELENE Petitioner, and TATE, EDWARD 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 18 day of OCTOBER 2010

RICHARD R. ROOKER, Clerk,

SEAL

By _____

Deputy Clerk