Copy

BILL GARRETT, Davidson County
Trans:T20100073931 WILL
Recvd: 11/22/10 13:08 4 pgs
Fees:22.00 Taxes:0.00
20101122-0093326

FILED
2010 NOV -9 AM 11:10
RICHARD R. ROOKER, CLERK

10P-1650

LAST WILL AND TESTAMENT

of

JAMES RUSSELL DEBERRY

I, **JAMES RUSSELL DEBERRY**, a citizen and resident of Davidson County, Tennessee being of sound mind and disposing memory and recognizing the uncertainty of this mortal life, do make, publish and declare this instrument to be my Last Will and Testament, hereby revoking any and all Wills and Codicils by or for me heretofore made.

FIRST: I hereby direct my Executor hereinafter named, after first providing for the payment of debts and costs of administration, to settle my estate as early as possible under the laws of the State of Tennessee, or any other state of which I may be a resident at the date of my death. I direct my Executor to pay all estate, inheritance, transfer, succession and other death taxes, debts and other claims and charge the same generally as an expense of administration without attempting in any way to prorate any taxes or debt against any beneficiary named herein.

SECOND: I hereby give, devise and bequeath to my most beloved nephew Herman DeBerry, III, my house and lot located at 2413 Underwood, Nashville, Tennessee in fee simple absolute.

THIRD: All the rest, residue, and remainder of the property which I may own at the time of my death, real, personal and mixed tangible and intangible, of whatsoever nature and wheresoever situated, including all property which I may acquire or become entitled to after the execution of this Will, I bequeath, give and devise to my beloved nephew, Herman DeBerry, III in fee simple to divide or distribute as he wishes.

FIFTH: I nominate and appoint my brother, Herman DeBerry, Jr., of Nashville, County of Davidson, State of Tennessee the Executor of this my Will, to serve without bond.

IN WITNESS WHEREOF, I JAMES RUSSELL DEBERRY, the Testator do hereby published and declare this to be my Last Will and Testament on this the 6th day of February 1997.

James Russell Deberry
TESTATOR

 James Russell Deberry
JAMES RUSSELL DEBERRY

Copy

The foregoing instrument consisting of this and the preceding page has been subscribed, sealed, published and declared by **JAMES RUSSELL DEBERRY** as and for his Last Will and Testament in our presence and in the presence of each of us, and at the same time at his request and in his presence and in the presence of each other, we have hereunto subscribed our names as attesting witnesses.

WITNESS: Robert Tyler

ADDRESS: 961 Woodland Street
Nashville, TN 37216

WITNESS: Michelle Lane

ADDRESS: 961 Woodland St.
Nashville, TN 37206

 James Russell Deberry
JAMES RUSSELL DEBERRY

Copy

STATE OF TENNESSEE)
)
COUNTY OF DAVIDSON)

AFFIDAVIT

We, Robert Greene and Michelle Lane, on oath state:

We are the subscribing witnesses to the attached written instrument dated this 11th day of February, 1997 which purports to be the Last Will of **JAMES RUSSELL DEBERRY**.

On this date **JAMES RUSSELL DEBERRY**, Testator, in our presence, declared this instrument to be his Last Will and Testament, signed the instrument in our presence, and requested that we attest to his execution thereof; whereupon in the presence of the said Testator and of each other, each of us signed our respective names as attesting witnesses. At the time of the execution of the instrument the said Testator was over the age of eighteen years and appeared to be of sound mind.

This Affidavit is made and signed at the request of **JAMES RUSSELL DEBERRY**, testator.

Dated this the 11th day of February, 1997.

AFFIANT

AFFIANT

Subscribed and sworn to before me on this 11th day of February, 1997.

NOTARY PUBLIC

My Commission Expires: My Commission Expires [illegible]

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 09 day of NOVEMBER , 2010 , in Case Number 10P1650 between DEBERRY III, HERMAN Petitioner, and DEBERRY, JAMES RUSSELL 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 10 day of NOVEMBER 2010

RICHARD R. ROOKER, Clerk,

SEAL



By _____

Deputy Clerk