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Last Will of

James Lee English

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RICHARD R ROOKER, CLERK
D.C.

I, **James Lee English**, now domiciled in Davidson County, Tennessee, declare this to be my Last Will and Testament, hereby revoking all prior wills and codicils made by me.

1. FAMILY

1.1. I have five children, who are Kenneth James, Jerry Wayne, Elaine, David and Theresa. All references in this Will to "child" or "children" relate to these named children.

1.2. References in this Will to "child," "children," "grandchild," "grandchildren," "issue," and "descendants" shall include persons adopted prior to attaining 18 years of age.

2. APPOINTMENT OF EXECUTOR

2.1. I appoint my son, Kenneth James English, to be Executor of my estate; but if he should predecease me, or fail or cease to serve for any reason, I then appoint Jerry Wayne English to be substitute Executor.

2.2. My Executor shall not be required to post any bond or other security for the faithful performance of my Executor's duties; nor to file any inventory or appraisal of the assets of my estate; nor to file any accountings or reports with any court.

2.3. Any reference in my Will to "Executor" includes any person, persons, or corporation then serving as the personal representative of my estate.

3. PAYMENT OF DEBTS AND EXPENSES

3.1. I direct that all of my just debts, funeral expenses, final medical expenses, and the costs of administration of my estate be paid from my estate. My Executor shall have the discretion to pay during the administration of my estate those of my debts which have not matured at the date of my death and which do not mature on account of my death. My Executor shall have the discretion to use all or any portion of the proceeds of any insurance on my life payable to my Executor or my estate for the payment of any debts, expenses and taxes of myself or my estate. Except as stated below, I direct that all such debts and expenses, and all estate, inheritance, or succession taxes upon my estate, and all taxes occasioned by my death, be paid out of the residue

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of my estate, so that other beneficiaries under my Will shall not be charged with any part of such debts, expenses and taxes. The amount by which such estate, inheritance, or other death taxes are increased as a result of the inclusion in my estate of property over which I have a general power of appointment, shall be paid from said property.

4. PERSONALTY

4.1. To the individuals listed below, I give the following:

a. To my son, Kenneth James English, if he shall survive me my Browning automatic shotgun and the Elgin pocket watch that belonged to my father, if owned by me at the time of my death;

b. To my son, Jerry Wayne English, if he shall survive me, my Remington 30-06 rifle if owned by me at the time of my death; and

c. To my son, David English, if he shall survive me, my 303 British Enfield rifle if owned by me at the time of my death

4.2. I give to Kenneth James, Jerry Wayne, Elaine and David, who survive me, in substantially equal shares, any jewelry, household goods and furnishings, automobiles, and all other household and personal effects belonging to me at the time of my death, including policies of insurance on these articles. Any cash on hand or on deposit shall pass as a part of that article of my Will entitled "Residuary Property." It is my desire that they value and divide these articles of my estate among themselves in a harmonious spirit. I am intentionally not leaving my daughter, Theresa Shepherd, any of the above personal property because of the real property she is receiving under Article 5 of this Will.

4.3. Any articles which are not desired by the above named children, or upon the disposition of which they cannot agree, may be sold or otherwise disposed of by my Executor as my Executor deems advisable and in the best interests of the beneficiaries of my estate. If these articles are sold, the sale proceeds shall be distributed as a part of the residue of my estate.

5. REAL PROPERTY

5.1. I give to my daughter, Theresa Shepherd, all real property and improvements belonging to me at the time of my death at Lot 12 Glenrose, better known as 90 Evelyn Drive, Nashville, Tennessee 37210.

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6. RESIDUARY PROPERTY

6.1. All of the residue of the property which I may own at the time of my death, of whatever nature and wherever located, I give to the following beneficiaries and in the following shares:

a. twenty-five percent (25%) to my son, Kenneth James.

b. twenty-five percent (25%) to my son, Jerry Wayne.

c. twenty-five percent (25%) to my daughter, Elaine.

d. twenty-five percent (25%) to my son, David.

6.2. I direct that the share of any of the above children who predecease me shall be distributed in substantially equal shares to the remaining children in paragraph 6.1 who do survive me. I am intentionally not leaving my daughter, Theresa Shepherd, any of the residuary property because of the real property she is receiving under Article 5 of this Will.

6.3. If none of the beneficiaries named in paragraph 6.1 of this Article survive me, then I give the residue of my property, outright and in fee, to those persons and in such shares as would have taken personal property owned by me had I died intestate in the State of Tennessee.

7. POWERS AND DUTIES OF EXECUTOR

7.1. Unless my Will specifically provides otherwise, I authorize my Executor, including any substitute or successor, to exercise any or all of the powers set forth in Section 3 of Chapter 110 of the 1963 Public Acts of the Tennessee General Assembly (presently codified in Tennessee Code Annotated Section 35-50-110) with respect to all property, of whatever nature and wherever located, at any time forming part of my estate. The provisions of Chapter 110, Section 3, described above are incorporated here by reference as fully as if copied verbatim. These powers are granted notwithstanding that, at the time of my death, the described statute may have been amended or repealed and notwithstanding that my estate may be probated in, or the assets of my estate may be removed to, a situs other than Tennessee.

7.2. To the extent I may lawfully do so, I direct that my Executor shall not be required to make any inventory or appraisal of the assets of my estate, nor to file any accountings or reports with any court.

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7.3. My Executor may decide which assets shall be distributed in satisfaction of the gifts set out in this Will, whether my estate will be valued under the optional provisions of any federal or state tax laws, what elections will be exercised, and what proceedings are necessary to determine the federal or state death taxes payable by my estate. The decision of my Executor on these matters shall be conclusive and binding on all persons.

7.4. During the period of administration of my estate, my Executor may, in my Executor's discretion, make partial distributions of my estate or the income of my estate in the same manner as if the estate administration were completed.

7.5. My Executor may make any election permitted by any tax law which, in the opinion of my Executor, is in the combined best interests of my estate and the beneficiaries of my Will.

7.6. My Executor may elect any of the optional modes of payment provided in any policy of insurance payable to my estate, as my Executor considers to be in the best interests of the beneficiaries of my estate.

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TESTIMONIUM

IN WITNESS WHEREOF, I have hereunto subscribed my name to this my Last Will (a typewritten document of which this is page 5), and for the purpose of identification, I have initialed each preceding page, all in the presence of the persons witnessing my Will at my request on this 7th day of July, 2004, at Nashville, Tennessee.

James L. English

James Lee English

ATTESTATION

The foregoing typewritten instrument (of which this is page 5), was signed, sealed, published, and declared in our presence by **James LeeEnglish**, the Testator, to be his Last Will; and we, at his request and in his presence and in the presence of each other, have hereunto subscribed our names as witnesses on the day and year above written.

WITNESSES:

Judy H. Schauber

Judy H. Schauber

J. Terry Price

ADDRESS:

Springfield, Tennessee

Springfield Tn

:opy

AFFIDAVIT OF SUBSCRIBING WITNESSES

STATE OF TENNESSEE)

COUNTY OF DAVIDSON)

We, Judy H. Schauber and J. Terry Price, the undersigned persons, being duly sworn, depose and say:

The foregoing Will was signed, published and declared in our presence on the 7th day of July, 2004, at Nashville, Davidson County, Tennessee, by **James Lee English** (hereinafter called the "Testator"), who declared said instrument to be his Will.

Each of us then signed his name as a witness at the end of said Will at the request of the Testator and in his presence and in the presence of each other.

The Testator was not less than eighteen years of age at the time the Will was executed, and, to the best of our knowledge, was of sound mind, and was not under any restraint or in any respect incompetent to make a will.

Each of us was acquainted with the Testator at such time and make this affidavit at his request.

The foregoing Will was shown to us at the time this affidavit was made and each of us examined it and verified the signatures of the Testator and of each of us.

Judy H. Schauber

Severally subscribed and sworn to before me this 7th day of July, 2004.

NOTARY PUBLIC

My Commission Expires 11/25/2006

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 08 day of JUNE , 2010 , in Case Number 10P887 between ENGLISH, KENNETH JAMES Petitioner, and ENGLISH, JAMES LEE 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 15 day of FEBRUARY 2011

RICHARD R. ROOKER, Clerk,

By _____

Deputy Clerk

SEAL

