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RICHARD R. ROOKER, CLERK
11 P-548

Last Will and Testament

-OF-

BAILEY BERLIN

I, BAILEY BERLIN, a resident of Nashville, Davidson County, Tennessee being of sound and disposing memory, suffering from no disability, and knowing the nature and objects of my bounty, do hereby declare this to be my LAST WILL AND TESTAMENT, hereby revoking all prior wills and codicils executed by me.

ARTICLE I

I direct that all my just debts, my funeral expenses and the cost of administration of my Estate be paid as soon as practicable after my death.

ARTICLE II

I constitute and appoint my sister MINNIE BERLIN, the Executrix of my Estate and she is hereby expressly excused from executing any bond or from filing an inventory or final accounting as such Executrix. In the event my sister MINNIE BERLIN should predecease me or be unable, unwilling, or ceases to serve as my Executrix, I hereby appoint and designate DOROTHY KOHNSTAMM, to serve as the Executrix of my Estate, and DOROTHY KOHNSTAMM is hereby expressly excused from executing any bond or from filing any inventory or final accounting as such Executrix.

ARTICLE III

I hereby authorize my Executrix to exercise any or all powers set forth in Tennessee Code Annotated 31-1-101 et. seq., all of which provisions and powers are incorporated herein by reference as fully as if copied herein verbatim.

Bailey Berlin

ARTICLE IV

I do hereby devise and bequeath unto my sister MINNIE BERLIN, all of my property of every kind and character, including any stocks, bonds, monies in banks and elsewhere, all personalty and real estate held as an estate in common or in any trust that I die seized and possessed of, all of which she, the said MINNIE BERLIN, is to have and enjoy in the way and manner she sees fit and proper.

ARTICLE V

If my sister MINNIE BERLIN and I shall die under such circumstances that there is not sufficient evidence to determine the order of our deaths, then it shall be presumed that I predeceased her, and my estate shall be administered in accordance with such presumption and all property of whatever kind shall be distributed according to such presumption.

ARTICLE VI

In the event of our simultaneous death, I specifically direct that the condominium at 4200 West End Ave., Apt. #302, Nashville, Tennessee 37205 be sold and the proceeds divided between ELAINE ROSE KAPLAN of Nashville, Tennessee and FRANCINE KAPLAN FISHER of Baton Rouge, Louisiana.

ARTICLE VII

All the remainder of my estate shall be divided in the following portions:

One-seventh share to be divided equally among my nephew, Joel Warner Berlin's children: (1) VICKI RAE CAMPBELL of Timonium, Maryland, (2) JAY HARRIS BERLIN of Houston, Texas, (3) TERRI DEE GOODWIN of Hendersonville, Tennessee. If any of Joel Berlin's children fail to survive me, then their shares shall go to their heirs.

To my niece ELAINE ROSE KAPLAN of Nashville, Tennessee, one-seventh share.

 Bailey Berlin

To my nephew JULIUS DAVID KAPLAN of Upland, California, one-seventh share. If he is deceased at the time of my death, then his sisters, Elaine Rose Kaplan and Francine Kaplan Fisher, shall split his share.

To my niece BARBARA GITTLEMAN of Miami Beach, Florida, one-seventh share.

To my nephew STEVEN DANIEL BERLIN of Miami, Florida, one-seventh share.

To my nephew DAVID BERLIN of Jacksonville, Florida, one-seventh share.

To my niece FRANCINE KAPLAN FISHER of Baton Rouge, Louisiana, one-seventh share.

If either BARBARA GITTLEMAN, STEVEN DANIEL BERLIN, FRANCINE KAPLAN FISHER, or DAVID BERLIN fail to survive me, then their share shall go to their heirs.

ARTICLE VIII

I do hereby devise and bequeath the sum of ONE THOUSAND AND 00/100 DOLLARS ($1000.00) to WEST END SYNAGOGUE of Nashville, Tennessee.

ARTICLE IX

I do hereby direct that all remaining personal property not otherwise disposed of herein, be sold and divided in the one-seventh shares as outlined in Article VII.

Barby Berlin

IN WITNESS WHEREOF, I have hereunto subscribed my name to this Last Will and Testament, consisting of five typewritten pages, and for the purpose of identification I have signed each such page, all in the presence of the persons witnessing it at my request on this 6th day of May, 1995, at Nashville, Tennessee.

Bailey Berlin

TESTATRIX

The foregoing instrument, consisting of five typewritten pages, was signed, published and declared by BAILEY BERLIN, 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 6th day of May, 1995, at Nashville, Tennessee.

Marietta J. Simmons
Witness

7427 Bridle Drive
Nashville, TN 37221
Address

Billy B Simmons
Witness

7427 Bridle Drive
Nashville Tn. 37221
Address

 Bailey Berlin

ATTESTATION CLAUSE

STATE OF TENNESSEE

COUNTY OF DAVIDSON

We, the undersigned, being first duly sworn, make oath that BAILEY BERLIN, on the day and date above written declared and signified to us that the foregoing instrument was her Last Will and Testament; that she then signed said instrument in our sight and presence; that we at her request and in her sight and presence, and in the sight and presence of each other, then subscribed our names hereto as attesting witnesses; that at the time of execution the Testatrix was more than 18 years of age, of sound mind and disposing memory, and did not appear under any undue influence; and that the undersigned, each being more than 18 years of age, make and sign this Affidavit at the Testatrix's request on the day and date above written.

Marietta F. Simmons
Witness

7427 Bridle Drive
Nashville, TN 37221
Address

Billy B Simmons
Witness

7427 Bridle Drive
Nashville Tn 37221
Address

Sworn to and subscribed before me this 6th day of May, 1995.

Lu A. Cohen
Notary Public

My commission expires:
Jan 27, 96

Bailey Berlin

FIRST CODICAL TO WILL OF BAILEY BERLIN

I, Bailey Berlin, a resident of Davidson County, Tennessee (which I declare to be my domicile), and a citizen of the United States of America, do declare this to be the First Codicil to my Last Will and Testament which was executed by me on the 6th day of May, 1995.

AMENDMENT #1

I hereby amend Article VI of my Will to read as follows:

In the event of our simultaneous death, I specifically direct that the condominium at 4200 West End Ave., Apt. #302, Nashville, Tennessee 37205 be sold and the proceeds divided between the following beneficiaries and in the following shares or amounts. To my niece, Elaine Kaplan the sum of One Hundred Thousand ($100,000.00) net out of the proceeds of said sale. To my nephew Julius David Kaplan a 1/6th share, To Barbara Gittleman a 1/6th share, to Steven Daniel Berlin, a 1/6th share, to David Berlin, a 1/6th share to Francine Fisher, a 1/6th share and to Joel Berlin, a 1/6th share.

In the event Barbara Gittleman, Steven Daniel Berlin, Francine Kaplan Fisher, David Berlin or Joel Berlin predecease me, I do hereby devise said share to their heirs in equal shares.

AMENDMENT #2

I hereby amend Article VII sentence three of my Will to read as follows:

One-seventh share to be divided equally among my nieces and nephews including Joel Warner Berlin and not his children, Vicki Rae Campbell, Jay Harris Berlin and Terri Dee Goodwin.

I hereby ratify, republish and confirm my Last Will and Testament in all respects except as modified by this First Codicil thereto.

IN WITNESS WHEREOF: I have executed, published and declared this paper writing as and for the First Codicil to my Last Will and Testament (which was executed by me on the 6th th day of May, 1995, at Nashville, Tennessee, this the 21st day of September, 2006.

X Bailey Berlin

The foregoing paper writing, consisting of three (3) pages, was on the 21st day of September, 2006, by the said Bailey Berlin, signed, sealed, published and declared to be the First Codicil to her Last Will and Testament (which was executed on the_____th day of May, 1995) and the said Bailey Berlin ratified, republished and reaffirmed her said Last Will and Testament, except as modified by the First Codicil thereto, all of which was done in our presence and we at the request of Bailey Berlin and in her presence and in the presence of each other now affix hereto our signatures as witnesses.

Dorothy C. K Johnson
Witness

Jeremy A. Duncan
Witness

Bailey Berlin

ATTESTATION CLAUSE

STATE OF TENNESSEE
COUNTY OF DAVIDSON

We, the undersigned, being first duly sworn, make oath that Bailey Berlin, on the day and date above written declared and signified to us that the foregoing instrument was the First Codicil to her Last Will and Testament; executed on the _____day of May, 1995, that she then signed said instrument in our sight and presence; that we at her request and in her sight and presence, and in the sight and presence of each other, then subscribed our names hereto as attesting witnesses; that at the time of execution the Testatrix was more than 18 years of age, of sound mind and disposing memory, and did not appear under any undue influence; and that the undersigned, each being more than 18 years of age, make and sign this Affidavit at the Testatrix's request on the day and date above written.

Dorothy C. Kohnstamm
Name

826 Kenmore Dr.
Address

Nashville, Tn 37209

Timothy A. Duncan
Name

8159 Charlotte Pike
Address

Nashville, TN 37221

Sworn to and subscribed before me this 21 day of September, 2006.

Notary Public: Lee A. Cohen

My commission expires: 9/22/2007

LEE A. COHEN
NOTARY PUBLIC AT LARGE
DAVIDSON COUNTY, TENN.

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 20 day of JUNE , 2011 , in Case Number 11P948 between BERLIN, MINNIE Petitioner, and BERLIN, BAILEY 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 21 day of JUNE 2011

RICHARD R. ROOKER, Clerk,

SEAL

By _____

Deputy Clerk

FILED

IN THE SEVENTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

2011 JUN 20 PM 1:55

PROBATE DIVISION

RICHARD R. ROOKER, CLERK

IN RE: D.C.

PROBATE OF
LAST WILL AND TESTAMENT OF:]
BAILEY BERLIN]

Docket Number 11P-948

ORDER ADMITTING WILL TO PROBATE WITHOUT ADMINISTRATION FOR PURPOSE OF ESTABLISHING MUNIMENT OF TITLE TO REAL ESTATE

Based on an examination of the Petition, the decedent's Last Will and First Codicil thereto, and the affidavits of subscribing witnesses, the Court finds the following:

1. The decedent, BAILEY BERLIN, died on October 6, 2008, in Nashville, Tennessee, at the age of 95 years.

2. Decedent was a resident of Nashville, Davidson County, Tennessee at the time of her death.

3. Decedent left a Will dated May 6, 1995, which was properly signed and witnessed and a First Codicil to the Will of May 6, 1995, dated September 21, 2006, which was properly signed and witnessed.

4. Petitioner MINNIE BERLIN, sister of the decedent, is appointed Executrix in Article II of decedent's Will and is excused from bond in said Article. Petitioner is further excused from any requirement for making and filing an inventory of decedent's estate, and from any requirement of making court accountings of the estate unless same is demanded by any distributee of the estate.

5. At the time of death, the decedent was not a TennCare recipient.

6. The Decedent, at the time of her death, was the owner of a one-half undivided interest, as a joint tenant in common, of the following real property located in Davidson County, Tennessee:

> Apartment number 302, of Harding House, a Condominium created under Title 64, Sections 2701, et seq., as amended, Tennessee Code Annotated, and as established by a Master Deed, which was executed by Allan Murphy of record in Book 4759, page 665, Register's Office for Davidson County, Tennessee, reference being made to the said Master Deed, Exhibit "A", for the sources of title of the said Allan Murphy, and to Exhibit "A-1" thereto for a specific identification and description of the apartment herein conveyed, and as shown on the plat of Harding House Condominium Apartments, of record in Book 4675, page 60, in said Register's Office, to which reference is hereby made. Covered Parking space No. 302 is a limited common element for the exclusive use of the occupant of said apartment.
>
> The above described property was conveyed to Minnie Berlin, unmarried, and Bailey Berlin, unmarried, by deed from Emily Magid, unmarried, of record in Book 8651, page 233 Register's Office for Davidson County, Tennessee.

7. There is no need to appoint a Personal Representative to administer Decedent's estate. Petitioner has offered Decedent's Will and First Codicil for probate for the sole purpose of establishing a muniment of title for Decedent's interest in the

above described real property.

BASED ON THESE FINDINGS, THE COURT ORDERS THE FOLLOWING:

1. Decedent's Will, dated May 6, 1995, and the First Codicil to said Will, dated September 21,2006, are admitted to Probate as the true, whole and last testament of BAILEY BERLIN, deceased, and the Clerk is directed to file and record same.

2. The Clerk is to certify a copy of the Will and First Codicil admitted to probate, and a copy of this Order, so that same can be recorded in the Register's Office for Davidson County, Tennessee as a muniment of title in accordance with T.C.A. § 32-2-111 and § 32-5-109.

This 20th day of June, 2011.

ROBERT HIGH BRADSHAW, JR.
Probate Master

APPROVED FOR ENTRY:

BERNARD M. ROSENBLUM, #2894
The Kinnard Building – Suite 403
2200 Twenty-First Avenue, South
Nashville, TN 37212-4929
(615) 269-0236 Fax (615) 269-0237
BMRosen@aol.com

Attorney for Petitioner

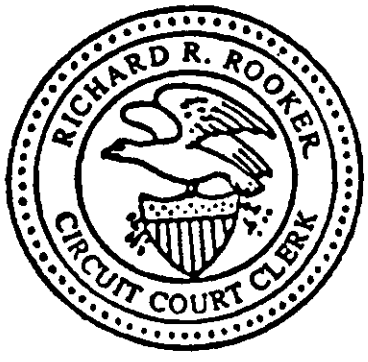
STATE OF TENNESSEE

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 FINAL ORDER heretofore entered in the SEVENTH Circuit Court for Davidson County, Tennessee, on the 20 day of JUNE , 2011 , in Case Number 11P948 between BERLIN, MINNIE Petitioner, and BERLIN, BAILEY 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 21 day of JUNE 2011

RICHARD R. ROOKER, Clerk,

SEAL



By _____

Deputy Clerk