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11 P-234

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RICHARD R. ROOKER, CLERK

LAST WILL AND TESTAMENT OF PEGGY JANE FOX

I, **PEGGY JANE FOX**, a resident and citizen of Hermitage, D.C. Davidson County, Tennessee, being of sound mind and disposing memory, do hereby make, publish and declare this instrument to be my Last Will and Testament, hereby revoking any and all Wills and Codicils heretofore made by me.

I. PAYMENT OF DEBTS AND TAXES

I direct that all my matured debts, funeral expenses, expenses of my last illness and for the administration of my estate, and any estate or inheritance taxes that may be imposed by reason of my death, be paid out of my residuary estate by my Executrix without proration among the several beneficiaries.

II. BEQUEST OF TANGIBLE PERSONAL PROPERTY

(A) I specifically give and bequeath to my niece, Joni Hornung, the cat cookie jar, creamer, and salt and pepper shakers.

(B) I give, devise, and bequeath all of my remaining personal property, including automobiles, clothing, furniture and furnishings, jewelry, cash on hand and monies on deposit, and stocks and bonds (if any), to my children, Shirley Elizabeth (Fox) Smith, a resident of Hermitage, Tennessee, and Daniel Christopher Fox, a resident of Wichita, Kansas, in equal shares, per stirpes.

(C) In the event my daughter, Shirley Elizabeth (Fox) Smith shall predecease me with no issue surviving, then I direct that her portion of all such personal property as set forth in Subparagraph (B) above, shall be given to her husband, Patrick J. Smith.

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Peggy Jane Fox
PEGGY JANE FOX

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(D) In the event my son, Daniel Christopher Fox shall predecease me with no issue surviving, then I direct that his portion of all such personal property as set forth in Subparagraph (B) above, shall be given to my daughter, per stirpes.

(E) In the event my son and my daughter shall predecease me with no issue surviving, and in the further event that Patrick J. Smith predeceases me, then I direct that all such personal property as set forth in Subparagraph (B) above shall be given to my nephew, Darren Hornung.

(F) If I shall prepare an itemized handwritten list of special bequests of personal property of a purely sentimental nature to specific individuals, and said handwritten list shall be found with this Will; then, I direct that my Executrix shall follow the instructions in said handwritten list just as though said handwritten list were a part of this my Last Will and Testament.

(G) If there shall be any disagreement among my beneficiaries regarding the distribution of my Estate, then I direct that my Executor shall, in his discretion, choose the manner and method of distribution (including distributions in cash or in kind) and such manner and method so chosen by my Executor shall be binding upon all beneficiaries.

III. RESIDUARY ESTATE

(A) I give and bequeath all the rest, residue and remainder of my estate, including any and all real property that I may own at the time of my death, to my children, Shirley Elizabeth (Fox) Smith, and Daniel Christopher Fox, in equal shares, per stirpes.

(B) In the event my daughter, Shirley Elizabeth (Fox) Smith shall predecease me with no issue surviving, then I direct that her portion of my real property and residuary estate shall be given to her husband, Patrick J. Smith.

Peggy Jane Fox
PEGGY JANE FOX

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(C) In the event my son, Daniel Christopher Fox shall predecease me with no issue surviving, then I direct that his portion of my real property and residuary estate shall be given to my daughter, per stirpes.

(D) In the event my son and my daughter shall predecease me with no issue surviving, and in the further event that Patrick J. Smith predeceases me, then I direct that my real property and residuary estate shall be given to my nephew, Darren Hornung.

IV. APPOINTMENT OF EXECUTOR

I appoint Daniel Christopher Fox to serve as Executor of this my Last Will and Testament. In the event my son shall fail or cease to serve in said capacity, then I nominate and appoint Shirley Elizabeth (Fox) Smith to serve as Alternate Executrix hereunder. (Whenever used in this Will, the term "Executor" shall apply equally to "Executrix").

I direct that no bond or other security shall be required of any of the above named fiduciaries for the faithful performance of their duties and further waive the need for the filing of any inventory or accounting, to the extent that same can be lawfully omitted.

My Executor, in addition to other powers and authority granted by law or necessary or appropriate for proper administration, shall have the right and power to lease, sell, mortgage, or otherwise encumber any real or personal property that may be included in my estate, without order of court and without notice to anyone.

V. ORDER OF DEATH PRESUMPTION

If any beneficiary and I die under circumstances in which the order of our deaths cannot be factually determined, it must be presumed that I survived the beneficiary.

Peggy Jane Fox
PEGGY JANE FOX

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VI. MISCELLANEOUS

Whenever used, the singular shall include the plural, the plural the singular, and the use of any gender shall be applicable, where appropriate, to all genders.

IN WITNESS WHEREOF, I, PEGGY JANE FOX, have hereunto subscribed my name to this, my Will, contained in five (5) pages, including attached Affidavit of Witnesses, on each of which I have subscribed my name in the sight and presence of the undersigned attesting witnesses, who at my request and in my sight and presence, and in the sight and presence of each other, have subscribed their names as attesting witnesses in the City of Nashville, County of Davidson, State of Tennessee, this the 19th day of July, 2002, and pursuant to Tennessee Code Annotated Section 32-2-110, I request the attesting witnesses to make the Affidavit which is attached to this Will.

Peggy Jane Fox
PEGGY JANE FOX

WITNESSES:

Kristi Searcy

Deborah L. Kennedy

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AFFIDAVIT

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

We, the undersigned attesting witnesses, after first being duly sworn according to law, make oath or affirm as follows:

1. That **PEGGY JANE FOX** signed the foregoing Last Will and Testament on the date shown on the Will, and at the time of such signing, she informed us that she signed it as her Last Will and Testament.

2. That **PEGGY JANE FOX** signed this Last Will and Testament when we were both in her sight and presence. Contemporaneously with the signing, she requested us to sign the Will as her attesting witnesses, which we did in her sight and presence and in the sight and presence of each other.

3. That **PEGGY JANE FOX** is more than eighteen (18) years of age, and we are both more than eighteen (18) years of age.

4. In our judgment, **PEGGY JANE FOX** is legally competent to make this Last Will and Testament.

Krissi Seamon
WITNESS

Deborah L. Kennedy
WITNESS

Sworn to or affirmed and subscribed before me this the 19th day of July, 2002.

NOTARY PUBLIC

My Commission Expires: 10/25/03

Peggy Jane Fox
PEGGY JANE FOX

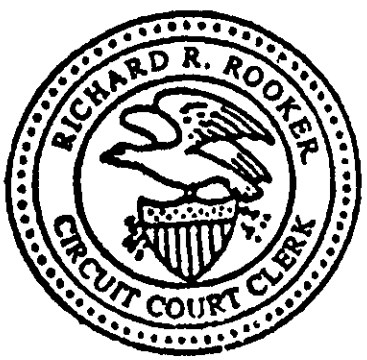
STATE OF TENNESSEE

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 15 day of FEBRUARY , 2011 , in Case Number 11P234 between SMITH, SHIRLEY ELIZABETH(FOX) Petitioner, and FOX, PEGGY JANE ET.AL 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 14 day of OCTOBER 2011

RICHARD R. ROOKER, Clerk,

SEAL



By _____

Deputy Clerk