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RICHARD R. ROOKER, CLERK

IN THE SEVENTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
PROBATE DIVISION

In Re Estate of: **Helen I. Fuller** **Docket Number: 12P-81**

ORDER

This cause came on to be heard on the 17th day of January, 2012, before Robert High Bradshaw, Jr., Probate Master for the Seventh Circuit Court for Davidson County, Tennessee, upon the verified *Petition to Probate Will for Muniment of Title* jointly filed by Valerie Fuller Hill and Timothy Allen Fuller.

Based on an examination of the Petition to Probate Will for Muniment of Title, the Last Will and Testament of Helen I. Fuller, the sworn statements of Valerie Fuller Hill and Timothy Allen Fuller, the Court finds as follows:

1. That Helen I. Fuller (hereinafter "the Decedent") was a resident of Nashville, Davidson County, Tennessee;

2. That the Decedent resided at 2706 Larmon Avenue, Nashville, Davidson County, Tennessee;

3. That the Decedent died testate on December 1, 2011, at the age of eighty-four (84);

4. That the Decedent executed a Last Will and Testament dated October 5, 2011 was properly signed and witnessed by Sarah Yusuf and Penny Harrington as attesting witnesses;

5. That all of the necessary proof required for the probate of such Last Will and Testament has been made;

BILL GARRETT, Davidson County
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6. That Valerie Fuller Hill and Timothy Allen Fuller are the sole heirs of the Decedent and jointly join in the Petition to establish muniment of title to real estate;

7. That the Decedent's Last Will and Testament is entitled to probate;

8. That no necessity exists for the administration of this estate;

9. That the decedent was not enrolled in the Tennessee TennCare program at the time of her death and the Bureau of TennCare has been notified of the Decedent's death; and

10. That pursuant to *Tenn. Code Ann.* § 32-2-111, the Decedent's Last Will and Testament should be admitted to probate as a muniment of title.

It is therefore **ORDERED, ADJUDGED** and **DECREED** that, pursuant to *Tenn. Code Ann.* § 32-2-111, the Decedent's Last Will and Testament is admitted to probate as a muniment of title.

It is further **ORDERED. ADJUDGED** and **DECREED** that the Clerk of this Court is **ORDERED** to record the Last Will and Testament of the Decedent together with the Petition in the minutes of this Court.

It is further **ORDERED, ADJUDGED** and **DECREED** that the decedent appeared to have no personal estate to administer, therefore, no formal administration of this estate is required.

IT IS SO ORDERED.

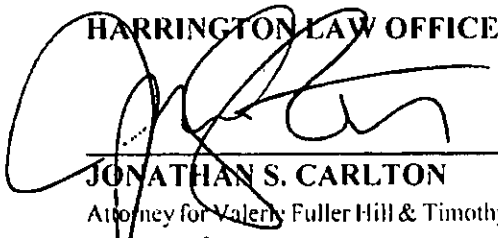
ENTERED this 17th day of January, 2012.

Robert High Bradshaw, Jr., *Probate Master*

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APPROVED FOR ENTRY:

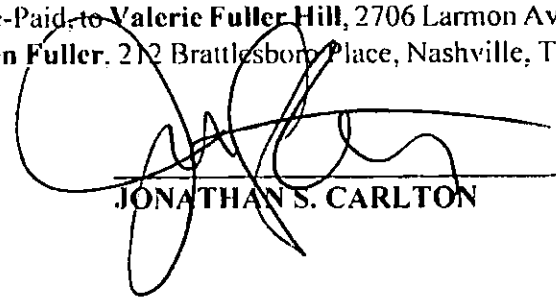
HARRINGTON LAW OFFICE



JONATHAN S. CARLTON #29768
Attorney for Valerie Fuller Hill & Timothy Allen Fuller
Historic Germantown
1215 Seventh Avenue North
Nashville, Tennessee 37208-2605
Telephone: (615) 320-9977
Facsimile: (615) 320-9929

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of January, 2012, I have provided a copy of this document via U.S. Mail, Postage Pre-Paid, to **Valerie Fuller Hill**, 2706 Larmon Avenue, Nashville, Tennessee 37204 and **Timothy Allen Fuller**, 212 Brattlesboro Place, Nashville, Tennessee 37204.



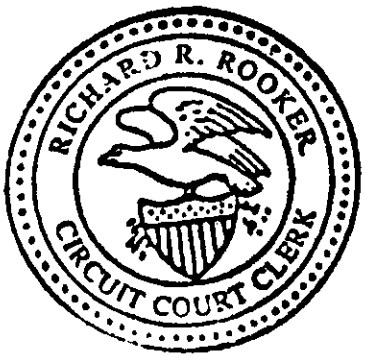
JONATHAN S. CARLTON

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 17 day of JANUARY , 2012 , in Case Number 12P81 between HILL, VALERIE FULLER Petitioner, and FULLER, HELEN I. 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 23 day of JANUARY 2012

RICHARD R. ROOKER, Clerk,

SEAL 

By _____

Deputy Clerk

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RICHARD R. ROOKER, CLERK

LAST WILL AND TESTAMENT
of
HELEN I. FULLER

I, Helen I. Fuller, a resident of Nashville, Davidson County, Tennessee, and a citizen of the United States, and being of sound mind and disposing memory, make, publish, and declare this to be my *Last Will and Testament*, revoking any and all former Wills and Codicils heretofore made by me.

ITEM I.
DECLARATIONS

A. **Personal Information**. I am unmarried.

B. **Children.** I am survived by two (2) living children: Valerie Fuller Hill and Timothy Allen Fuller. I have one (1) deceased child, Steven Fuller. Under this Will, I do not provide for the descendants of my deceased child, Steven Fuller.

C. **Property Information**. Under this Will I intend to provide for the disposition of all the property, wherever located, I own at my death.

ITEM II.
APPOINTMENT OF FIDUCIARIES

I appoint Valerie Fuller Hill, currently of Nashville, Davidson County, Tennessee, to serve as Executrix of this my *Last Will and Testament* and direct that no bond shall be required of my Executrix in any jurisdiction. If Valerie Fuller Hill shall be unwilling or unable to serve for any reason, then in such event I appoint Timothy A. Fuller, currently of Nashville, Davidson County, Tennessee, to serve as Alternate Executor of this Will, without bond. No Executor shall be required to furnish bond, file any inventory, or file any accountings with respect to the performance of the Executor's duties.

Any person serving as Executor hereunder will render valuable services for which payment of a reasonable fee will be deserved. If any such person desires to be paid a fee, I do not want any individual Executor to be required to seek approval of a fee from any Court or legatee of this Will. Accordingly, I authorize any individual person serving as Executor to receive and be paid a fee not

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to exceed one-half (½) of the fee that would be charged by First Tennessee Bank, Nashville, Tennessee in accordance with its fee schedule in effect at the time the fee is charged. If two or more individuals serve at the same time, they shall each receive an equal share of the fee as determined above, unless they agree to divide the fee otherwise.

ARTICLE III.
DISPOSITION OF ESTATE

Personal Effects. I give and bequeath certain items of my personal and household effects to those persons designated in a separate writing that may be in existence at the time of my death, which will be written entirely in my own handwriting and signed and dated by me, and which will describe the items and the legatee with reasonable certainty. If no separate writing or list is found and properly identified by my Executor within thirty (30) days after my Executor's qualification as such, it shall be presumed that no such separate writing exists, and any subsequently discovered separate writing or list shall be ignored. In the event any person named in such separate writing shall predecease me, then the bequest made to such person shall lapse and become null and void.

I give and bequeath all of the personal and household effects that are not specifically bequeathed pursuant in the aforesaid separate writing, *including all jewelry and other articles of personal use, automobiles and their accessories, and any and all interests that I may have in furniture, furnishings, art, and household goods and equipment, together with any insurance policies thereon*, to my children, Valerie Fuller Hill and Timothy Allen, in equal shares. If Valerie Fuller Hill or Timothy Allen does not survive me, *but leaves issue then surviving*, such issue shall receive the deceased child's share. If any issue of a deceased child shall be under the age of twenty-one (21) years, the distributive share for such issue shall be distributed to an adult of the Executrix's choosing, *including the Executrix*, to hold as custodian for such issue pursuant to the Tennessee Uniform Transfers to Minors Act, and the receipt of such custodian shall constitute complete acquittance of my Executrix.

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Disposition of Residence. I give and bequeath my residence located at 2706 Larmon Avenue, Nashville, Tennessee to my daughter. Valerie Fuller Hill, if she shall survive me. If my daughter, Valerie Fuller Hill, shall not survive me, I direct that such property shall pass as part of my Residuary Estate.

ARTICLE IV.
RESIDUARY ESTATE

I bequeath 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, including all lapsed legacies and devises and all life insurance payable to my estate, *but excluding any property over or concerning which I may have any power of appointment*, I bequeath and devise in fee to my children, if my children survive me. If any child does not survive me, the deceased child's share shall be distributed equally to my other, living children.

ARTICLE V.
ADMINISTRATIVE PROVISIONS

A. ***Payment of Debts, Administration Expenses and Taxes.*** All of my legally enforceable debts, *except secured debts, which may be paid or retained in the discretion of the Executor*, my funeral expenses and the expenses of administration of my estate, both domiciliary and ancillary, shall be paid by my Executrix as soon as practicable after my death. My Executrix shall pay out of my residuary estate all estate, inheritance and other death taxes which shall become payable by reason of my death, whether in respect of property passing under this Will or otherwise, as an expense of administration, without apportionment.

B. ***Life Insurance.*** The proceeds of any life insurance payable to my Executrix or my estate are to be free from the claims of creditors, and are to be held and distributed as provided by the terms of this Will. My Executrix may use, *but shall not be required to use*, any portion of such proceeds as my Executrix deems advisable, exercising a reasonable discretion, for the payment of debts, expenses and taxes, but only if my Executrix deems such use of the proceeds to be in the best interests of my legatees and beneficiaries hereunder.

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C. ***Real Property***. Any real property I own at my death is to be administered as a part of my probate estate subject to the control of the Executrix for purposes of administration, as authorized by *Tennessee Code Annotated* § 31-2-103. So long as the Executrix serves, the Executrix shall have the same power over the title to real property as an absolute owner would have, including but not limited to the power to sell, mortgage, lease or otherwise convey any interest in any real estate without the signature, consent or approval of any heir, legatee, beneficiary, court or other person, provided that in exercising such power the Executor shall be acting in a fiduciary, not an individual, capacity.

D. ***Powers of Executor***. In addition to any powers and other related administrative provisions granted or contained elsewhere in this Will, if any, my Executrix, in the exercise of a reasonable discretion with respect to all property, real and personal, at any time forming a part of my estate, may exercise any and all of the powers set forth in *Tennessee Code Annotated* § 35-50-110, *to the extent applicable*, all of which provisions and powers are incorporated herein by reference, *and as set out in this statute on the date I sign this Will*, even if this statute is amended or repealed hereafter and even if my estate is administered in a state other than Tennessee. I grant to my Executrix the power and authority to appoint a resident Co-Executor to serve with my Executrix if applicable law so requires.

E. ***References to Fiduciaries***. For convenience, the fiduciaries named this Will, *including any alternates or successors*, are sometimes referred to in the singular person and masculine gender, regardless of the number or gender of those actually named herein.

F. ***Distribution to Descendants***. Unless specifically provided otherwise herein, references to descendants shall include natural-born and adopted descendants and shall only refer to then-living descendants. Distribution to the descendants of any deceased person under this Will shall be per stirpes.

G. ***Captions***. The captions and headings of this Will are for convenience only and shall not define or limit the provisions contained herein.

IN WITNESS WHEREOF, I sign this Will in the presence of the persons witnessing it, *at my request*, on this the 5th day of October, 2011.

Helen I. Fuller

HELEN I. FULLER

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OATH OF WITNESSES

Signed and declared by Helen I. Fuller to be such person's Will in the presence of all of us at one and the same time, and we, at such person's request and in such person's presence and in the presence of each other, have subscribed our names as witnesses, and we do hereby attest to the sound and disposing mind of Helen I. Fuller and to the performance of the aforesaid act of execution on the date set out above.

WITNESSES:

Witness Signature Date 10/5/11

Print name: Penny Harrington

Address: 1215 7th Ave N
Nashville TN 37208

Witness Signature Date 10/5/11

Print name: Sarah YUSUF

Address: 1215 7th Ave N.
Nashville, TN 37208

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AFFIDAVIT

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

The undersigned persons, after first being duly sworn according to law, depose and say:

1. They witnessed the execution of the Last Will and Testament of Helen I. Fuller, dated this 5 day of October, 2011, to which this Affidavit is attached, and that this Affidavit is being made at the request of such person and in accordance with the provisions of *Tennessee Code Annotated* § 32-2-110;

2. Their signatures are affixed to the Will, they signed the Will at the request of such person, and in the presence of such person, and in the presence of each other witness, on the date recited in said Will;

3. Helen I. Fuller signed said paper writing as and for her Will in their sight and presence;

4. At the time they witnessed the Will, Helen I. Fuller was, in their opinion, of sound mind.

Witness: _____

Witness: _____

Sworn to and subscribed before me by the two (2) persons whose signatures are affixed hereto on this 5th day of October, 2011.

JONATHAN S. CARLTON
STATE OF TENNESSEE NOTARY PUBLIC DAVIDSON COUNTY

_____
NOTARY PUBLIC

My Commission Expires: 9/9/2014

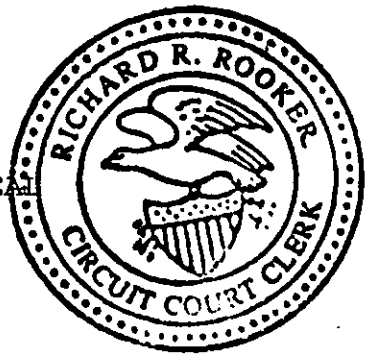
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RICHARD R. ROOKER, Clerk,

SEAL



By _____

Deputy Clerk