Copy

FILED

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

2012 JUN 19 AM 9:07

RICHARD R. ROOKER, CLERK

IN THE MATTER OF:	]	
	]	
The ESTATE of	]	No. 129838
RUBYE M. TARPLEY,	]	
	]	
Deceased.	]	

ORDER TO PROBATE WILL
AS MUNIMENT OF TITLE ONLY

This matter was before the court on June 19, 2012, upon the Petition of Larry A. Tarpley and Lynn T. Jenkins ("Petitioners"), requesting the last will and testament of Rubye M. Tarpley, ("Decedent") be admitted to probate as a muniment of title only.

IT APPEARING THAT:

1. Decedent died on May 3, 2012 in Nashville, Davidson County, a resident of said county, at the age of eighty-two (82).

2. Decedent left a last will and testament dated August 10, 2006 (the "Will"), bearing the true signature of Decedent, written and executed during Decedent's lifetime. Decedent's Will was witnessed and subscribed to by Tamiko M. Anderson and Andra J. Hedrick, who testified by affidavit in accordance with T.C.A. § 32-2-110 that Decedent signed the Will in their presence, that they signed the Will as witnesses at the request of Decedent and in the presence of Decedent and each other, and that Decedent was, in their opinion, of sound mind.

3. The only probate asset owned at death by Decedent was a tract or parcel of improved real property known as 629 Galaxie Drive, Nashville, Davidson County, Tennessee 37209.

4. Decedent was not enrolled in the TennCare program at the time of death.

IT IS THEREFORE ORDERED THAT:

1. Decedent's Will is admitted to probate as Decedent's whole and true last will and testament for the express purpose of establishing a muniment of title only.

2. Letters testamentary shall not be issued as a formal estate administration is not required.

DATED, June 19th, 2012.

ENTER:

Bob Bradshaw, Probate Master

BILL GARRETT, Davidson County
Trans:T20120045918 ORDER
Recvd: 06/21/12 11:19 9 pgs
Fees:47.00 Taxes:0.00
20120621-0054479

486510.1/2012425

Copy

APPROVED FOR ENTRY:

GULLETT, SANFORD, ROBINSON & MARTIN, PLLC

By: _____
Robert J. Hazard (BPR #028332)
150 Third Avenue South, Suite 1700
Nashville, Tennessee 37201
rhazard@gsrm.com
615.244.4994

Attorneys for Petitioners

Copy

FILED
2012 JUN 19 AM 9:07
RICHARD R. ROOKER, CLERK
Yorda

WILL

OF

RUBYE M. TARPLEY

Copy

WILL

OF

RUBYE M. TARPLEY

FILED

2012 JUN 19 AM 9:07

RICHARD R. ROSKEN, CLERK

I, Rubye M. Tarpley, currently residing in Nashville, Davidson County, Tennessee, make and declare this document as my Will. I revoke all former wills and codicils.

ITEM I

FAMILY

A. Spouse. I am married to Alfred E. Tarpley, who is referred to in this Will as my spouse. Wherever any disposition in this Will is conditioned upon my spouse's surviving me (other than service as Executor), then my spouse must survive me by thirty (30) days in order to be deemed to have survived me.

B. Children. I have two (2) children, Lynn T. Jenkins and Larry A. Tarpley, and I shall refer to them in this Will as my child or children.

C. Issue. References to "issue" in this Will shall refer to both natural born and adopted descendants of my children. Unless otherwise provided herein, all issue shall take by representation, with the initial division into shares for such purpose to be the generation of my children.

ITEM II

TANGIBLE PERSONAL PROPERTY

A. General Bequest. I bequeath to my spouse, if my spouse survives me, all of my clothing, jewelry, personal effects, automobiles and all of my other tangible personal property. If my spouse does not survive me, I bequeath this property to my children, to be divided between them as they may agree.

B. Non Binding Instructions. I may prepare a letter or other written document either in my own handwriting or signed by me or both addressing the distribution of certain items

RMT

Rubye M. Tarpley

Copy

of my tangible personal property. If I prepare this document I will keep it with my Will. If my Executor finds this document, it is my desire that the wishes expressed in such document be carried out. Unless otherwise provided in the document, any bequest is contingent upon my owning the item or items bequeathed at my death and upon the recipient surviving me.

ITEM III

RESIDUARY ESTATE

I bequeath all the rest of the property I own at my death to my spouse, if my spouse survives me. If my spouse does not survive me, I bequeath my residuary estate to my children, in equal shares. If either child does not survive me but leaves issue then surviving, such issue shall receive the deceased child's share. If either child does not survive me without issue then surviving, the deceased child's share shall be distributed to my other child (or to the issue of my other child if my other child is also then deceased but leaves issue). If any issue of a deceased child is under the age of twenty one (21) years, the distributive share for such issue shall be distributed to an adult of the Executor's choosing (including the Executor) to hold as custodian for such issue pursuant to the Uniform Transfers to Minors Act, and the receipt of such custodian shall constitute complete acquittance of my Executor.

ITEM IV

EXECUTOR

I appoint the following persons to serve as the Executor of this Will, with such persons to act successively, in the order named:

1. My spouse, Alfred E. Tarpley.

2. My children, Lynn T. Jenkins and Larry A. Tarpley, acting jointly, but if either one of them is unable to serve as Executor for any reason, then the other one of them shall serve alone as Executor.

To the extent permitted by applicable law, 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.

RMT

Rubye M. Tarpley

Copy

ITEM 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, and if paid shall be without right of contribution from my spouse), my funeral expenses and the expenses of administration of my estate, shall be paid by my Executor as soon as practicable after my death. My Executor 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. Powers of Executor. The Executor, 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 Section 35-50-110, to the extent applicable, all of which provisions and powers are incorporated herein by reference (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.

C. Real Property. Any real property I own at my death is to be part of my probate estate and treated as forming part of my personal estate for purposes of administration.

D. 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, consisting of this and the preceding two (2) printed pages, and for the purpose of identification, I have signed or initialled each page, all in the presence of the persons witnessing it, at my request, on this the 10th day of August, 2006, at Nashville, Tennessee.

RMJ Rubye M Tarpley

Rubye M. Tarpley

Copy

Signed and declared by Rubye M. Tarpley, 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 Rubye M. Tarpley and to the performance of the aforesaid act of execution at the place and on the date hereinabove set out.

WITNESSES:

Name

Tamiko M. Anderson
Print or Type Name

Nashville, TN
Address

Name

Andra J. Hedrick
Print or Type Name

Nashville, TN
Address

THIS WILL PREPARED BY:

GULLETT, SANFORD, ROBINSON & MARTIN
315 Deaderick Street, Suite 1100
P. O. Box 198888
Nashville, Tennessee 37219 8888
(615) 244 4994

Copy

AFFIDAVIT

STATE OF TENNESSEE)
)
COUNTY OF DAVIDSON)

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

1. They are adult citizens and residents of Tennessee.

2. They witnessed the execution of the Will of Rubye M. Tarpley, dated the 10th day of August, 2006, 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, Section 32-2-110.

3. 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, at the place and on the date recited in said Will.

4. Rubye M. Tarpley signed said paper writing as and for a Will in their sight and presence.

5. At the time they witnessed the Will, Rubye M. Tarpley 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 10th day of August, 2006.

JUDITH H. ROBERTSON NOTARY PUBLIC STATE OF TENNESSEE DAVIDSON COUNTY

Notary Public

My Commission Expires: 1/24/2009

292711.1/2005135

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 19 day of JUNE , 2012 , in Case Number 12P928 between JENKINS, LYNN T. ET.AL Petitioner, and TARPLEY, RUBYE M. 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 20 day of JUNE 2012

RICHARD R. ROOKER, Clerk,



By _____
Deputy Clerk