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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 ATTACHED EXHIBITS heretofore entered in the SEVENTH Circuit Court for Davidson County, Tennessee, on the 21 day of JULY , 2011 , in Case Number 11P1101 between HUTCHERSON, LINDA Petitioner, and WINTERS, NAOMI FRANCES KNIGHT 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 AUGUST 2012

RICHARD R. ROOKER, Clerk,

SEAL

RICHARD R. ROOKER CIRCUIT COURT CLERK

By _____
Deputy Clerk

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RICHARD R. ROOKER, CLERK
D.C.

LAST WILL AND TESTAMENT

OF

Naomi Frances Knight Winters

I, **Naomi Frances Knight Winters**, of Davidson County, Tennessee, being of sound mind and disposing memory, and realizing the uncertainty of life, do hereby make, publish and declare this my Last Will and Testament, revoking any and all Wills and Codicils heretofore made by me.

ARTICLE I

I hereby name and appoint **Linda Hutcherson as Executrix** of my estate. In the event said Executrix is unable, unwilling, or later ceases to serve for any reason, I name and appoint **Charles L. Winters**, of Williamson County, Tennessee, as Alternate Executor. I direct that no bond shall be required of said Executrix or Alternate Executor in the performance of their duties in any jurisdiction whatsoever.

ARTICLE II

I direct that my Executrix pay all my lawful debts, including funeral expenses, the expenses of administration of my estate, inheritance, estate and other taxes that may be imposed upon my estate, including interest and penalties thereon, as soon after my death as is practicable. Provided, however, that debts secured by mortgages or other security instruments may be paid off or retained in the discretion of my Executrix.

ARTICLE III

I empower my Executrix to sell any real or personal property that I may own at the time of my death, and said Executrix shall not be limited as to the time, place and manner of sale and shall have full power to do all acts and execute all documents of title the same as I could during my lifetime. My Executrix, in her sole discretion, shall determine the best price attainable for the sale of any real or personal property.

 Naomi Frances Knight Winters

ARTICLE IV

I excuse my Executrix or Alternate from the necessity of filing of an Inventory and Final Accounting with the Court. My Executrix or Alternate shall be held harmless by my Estate from any claims that creditors might make against her personally arising out of the administration of my Estate.

ARTICLE V

I give, devise and bequeath my entire estate as follows:

A. I hereby make the following specific bequests:

1. To my Grandchild, **Joe B. Hutcherson, Jr.**, if he survives me, the sum of One Thousand Dollars ($1,000.00).
2. To my Grandchild, **Richard Wesley Hutcherson**, if he survives me, the sum of One Thousand Dollars ($1,000.00).
3. To my Grandchild, **Leigh Anne Hutcherson**, if she survives me, the sum of One Thousand Dollars ($1,000.00).
4. To my Grandchild, **Kristi Lynne Alexander**, if she survives me, the sum of One Thousand Dollars ($1,000.00).
5. To my Grandchild, **Logan Andrew Burton Winters**, if he survives me, the sum of One Thousand Dollars ($1,000.00).
6. To my Grandchild, **Laura Ann Frances Winters**, if she survives me, the sum of One Thousand Dollars ($1,000.00).

B. The rest, residue and remainder of my estate I hereby give, devise and bequeath as follows:

1. To my daughter, **Linda Hutcherson**, if she survives me, Fifty per cent (50%) of my remaining estate.

2. To my son, **Charles Larry Winters**, if he survives me, Fifty per cent (50%) of my remaining estate.

3. In the event Linda Hutcherson and/or Charles Larry Winters predecease me, their respective share I give, devise and bequeath to their living issue equally.

ARTICLE VI

If any of the aforementioned *beneficiary(s)* shall not have reached the age of eighteen (18) at the time of my death, the portion of my estate passing to said beneficiary(s) under age eighteen (18) shall pass IN TRUST to be held and administered by my Trustee, hereinafter named, in accordance with the following terms and provisions:

(A.) The purpose of this trust is to provide for the health, education, care and general welfare of the aforesaid beneficiaries during the term of and in accordance with the provisions of this trust.

(B.) My Trustee shall hold and invest and reinvest the principal and shall collect and receive income and pay all or part of the net income derived therefrom to or for the benefit of my beneficiary(s).

(C.) My Trustee is authorized to accumulate all or part of the income, or to pay the same or any part thereof to or for the benefit of any beneficiary(s) in such amounts as my Trustee shall see fit, without regard to any principle or rule of law regarding impartiality among beneficiaries of a trust.

(D.) My Trustee is authorized at any time or times, and from time to time, to pay to or for the benefit of the beneficiary(s), so much of the principal of the trust, up to and including the whole thereof, which may, in the sole discretion of my Trustee, seem necessary or desirable for the maintenance, support, comfortable living, business or professional needs or general welfare of the beneficiaries. Such payment from principal shall include, but not be limited to situations where education or health needs require expenditures in excess of the ordinary and also to situations that may allow the beneficiary to take advantage of business or investment opportunities.

(E.) Upon a beneficiary reaching eighteen (18) years of age, he/she shall be entitled to the corpus in his or her trust and any accumulated income and this trust, as to that beneficiary, shall terminate.

(F.) I name and appoint **Peggy Winters**, of Williamson County, Tennessee, as Trustee of this trust. I name and appoint **Richard Hutcherson**, of Davidson County, Tennessee, to serve as Alternate Trustee. I shall require no Bond for the original Trustee and the Alternate Trustee herein named in any jurisdiction.

(G.) In the event my aforesaid beneficiary(s) has predeceased me and he or she is survived by issue, his or her issue shall take, by way of representation, per stirpes.

ARTICLE VII

If any trust created herein shall violate any applicable rule against perpetuities, accumulations or similar rule of law, my Trustee is required to terminate such trust upon the last day allowed by such rule or law and thereupon, the property held in trust (or such part thereof) which would violate such rule, or law, shall be distributed to the then income beneficiary of the trust, per stirpes, share and share alike, notwithstanding any provisions of the trust to the contrary.

ARTICLE VIII

No interest of any beneficiary in the corpus of my estate, or any trust created herein, shall be subject to attachment, assignment, alienation, pledge or claim of creditors of such beneficiary, including claims of any divorced spouse for alimony or support payments, and may not otherwise be voluntarily or involuntarily alienated or encumbered by such beneficiary.

ARTICLE IX

My Executrix and Trustee shall have all the powers, duties and discretions contained in *Tennessee Code Annotated*, § 35-50-110, which I incorporate herein by reference, as fully and completely as if copied verbatim, in addition to those powers, duties and discretions elsewhere set forth herein or now or hereinafter conferred by law.

As to all trusts created under this Will, whenever the Trustees in his sole discretion, shall determine that the size of any fund that he holds in trust does not warrant the cost of continuing such fund in trust, or if the administration of such fund would be impractical for any other reason, the Trustee, without further responsibility, may pay such fund to the person entitled at the time to the

income from it. If such person is a minor or disabled in any way or unable to administer his own affairs, the person or organization taking care of the beneficiary shall receive such fund from the Trustee to be held for the use and benefit of said beneficiary or placed in a savings account in the beneficiary's name.

References to one gender shall be deemed to include the other gender, and references to the singular shall also include the plural as the facts may warrant.

IN WITNESS WHEREOF, I have hereunto set my hand on this page and at the bottom of the preceding four (4) pages of this my Last Will and Testament on this the 17th day of June, 1999.

Naomi Frances Knight Winters
NAOMI FRANCES KNIGHT WINTERS, TESTATRIX

Signed, sealed, published and declared by the Testatrix, **NAOMI FRANCES KNIGHT WINTERS**, to be her Last Will and Testament, in the presence of all of us at one and the same time, and we at her request, and in her sight and presence and in the sight and presence of each other, have hereunto subscribed our names as witnesses, and we do hereby attest to the sound and disposing mind of said Testatrix, and to the performance of the aforesaid action of execution on the date hereinabove set out.

Sharon Rutherford Hermitage, IV
Lisa Baker Hirschbiegel, Jr.

WITNESSES **ADDRESSES**

AFFIDAVIT OF WITNESSES

Sharon Rutherford and Lisa Baker, after being first duly sworn according to law, depose and say:

1. That they are adult citizens and residents of the State of Tennessee.

2. That they witnessed the execution of the Last Will and Testament of **NAOMI FRANCES KNIGHT WINTERS**, dated the 17th day of June, 1999 to which this Affidavit is being attached, and that this Affidavit is being made at the request of the Testatrix, and in accordance with **Tennessee Code Annotated**, § 32-2-110.

3. That their signatures are affixed to said Last Will and Testament, that they signed or affixed the same at the instance and at the request of the Testatrix and in her presence and in the presence of each other, on the date recited in said Last Will and Testament.

4. That the Testatrix signed said Last Will and Testament as and for her Last Will and Testament in their sight and presence.

5. That at the time they witnessed said Will, the Testatrix was more than eighteen (18) years of age and was, in their opinion, of sound mind.

Sharon Rutherford

Lisa Baker

AFFIANTS

STATE OF TENNESSEE

COUNTY OF DAVIDSON

Subscribed and sworn to before me this 17th day of June, 1999.

NOTARY PUBLIC

MY COMMISSION EXPIRES: 10/21/2002

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