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

FILED

AUG 29 2012

RICHARD R. ROOKER, Clerk
By _____ Deputy

IN RE:

THE ESTATE OF ANNIE L. ORTON, Deceased

No. 12P-1256

ORDER OF PROBATE

This cause was heard on the 29 day of August, 2012, before Randy Kennedy, Probate Judge of the Probate Division in the Seventh Circuit Court for Davidson County, Tennessee, upon the petition of Delphia M. Orton to have the Will of Annie L. Orton (the "Decedent") admitted to probate for the purpose of facilitating it as a muniment of title. Based upon an examination of the Petition, the Decedent's Last Will and Testament, and the affidavit of the subscribing witnesses, the Court finds that:

1. The Decedent died on May 25, 2012 at Nashville, Tennessee.

2. At the time of the Decedent's death, the Decedent was Ninety (90) years of age and was a resident of Nashville, Davidson County, Tennessee.

3. The Decedent left a paper writing (the "Will") bearing a date of March 16, 2005, duly witnessed by Fran Kirk and James H. Crowell, Jr..

4. The Will was written during the lifetime of and at the request of the Decedent, signed by the witnesses in the presence of each other and as attesting witnesses thereto, and said Will was properly executed by the Decedent and duly witnessed as the Last Will and Testament of the Decedent and that at the time of execution, the Decedent appeared to be of sound mind, memory and understanding and not under any restraint or in any respect incompetent.

5. The only probate asset of the estate is certain real property that the Decedent was a one-half (1/2) owner of located at 897 General George Patton Road, Nashville, Davidson County, Tennessee 37221 described as:

A certain Condominium located in Davidson County, Tennessee, being Unit No. 897, together with the Carport designated No. 897-C, in River Plantation, Section Five, Phase One, Lot Two, a Condominium, a

BILL GARRETT, Davidson County
Trans:T20120065912 WILL
Recvd: 09/04/12 10:29 7 pgs
Fees:37.00 Taxes:0.00
20120904-0079402

I hereby certify that this is a true copy of original instrument filed in my office this 29 day of Aug 2012
RICHARD R. ROOKER, Clerk
By _____ Deputy Clerk

COURT CLERK

Horizontal Property Regime, located on General George Patton Road, Nashville, Davidson County, Tennessee, as shown on the plat of River Plantation, Section Five, Phase One, Lot Two, Condominium Apartments, recorded in Book 5200, page 257, Register's Office for Davidson County, Tennessee, and described in a Master Deed recorded in Book 5410, page 248, Register's Office for Davidson County, Tennessee, to which reference is hereby made.

Being the same property conveyed to Delphia M. Orton and Ann L. Orton, both unmarried, by deed from Mary Alice Owen Barnes, married, of record in Book 10339, page 830, Register's Office for Davidson County, Tennessee.

6. There is no necessity for appointing any personal representative to serve since there is no personal property. Moreover, it is not desired that there be any publication of notice to creditors. The only purpose for filing the Will for probate is to evidence the title of the devisee under the Will, Delphia M. Orton, to the real property described hereinabove, and thereafter to register a certified copy of the Will in the Register's Office for Davidson County, Tennessee as a muniment of title in accordance with T.C.A. Sections 32-2-111 and 32-5-109

It is, therefore, **ORDERED**

1. That the Will be admitted to probate as the Last Will and Testament of the Decedent for the limited purpose of establishing a muniment of title to the parcel of real estate located in Davidson County described above.

2. That a certified copy of such may be registered in the Register's Office for Davidson County, Tennessee, where the real estate of the Decedent is situated, as a muniment of title.

ENTER, this 29 day of August, 2012.

Randy Kennedy
Probate Judge

APPROVED FOR ENTRY:

DAVID A. CHILDRESS (#12020)
Attorney for the Petitioner
102 Woodmont Blvd.
Suite 200
Nashville, TN 37205
(615) 386-9235

Copy

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FILED

LAST WILL AND TESTAMENT

OF 2012 AUG 14 PM 3:54

ANNIE L. ORTON

RICHARD R. ROOKER, CLERK

D.C.

I, ANNIE L. ORTON, of Davidson County, Tennessee, being of sound mind and disposing memory, do make, declare and publish this my Last Will and Testament, hereby revoking all former Wills and Codicils heretofore made by me.

I

I direct that all my just debts, including my funeral expenses and the costs of administration, along with any inheritance taxes which may be due, be paid out of my general estate by my Executrix, hereinafter named, as soon as practicable after my death. To this end, I authorize, but do not require, my Executrix to sell any of my property, real, personal and mixed, and to execute all conveyances, titles, deeds or other instruments necessary to effectuate such sale and transfer in fee simple without obtaining an Order of Court to do so.

II

After payment of my just debts, including my funeral expenses, along with any inheritance taxes that may be due and the costs of administration, all the rest, reside and remainder of my estate, real, personal and mixed, of every nature and wheresoever situated, of which I may die seized and possessed, or to which I may have the power of testamentary disposition, control or appointment, if there be any, I hereby give, devise and bequeath absolutely and in fee simple, to my sister, Delphia M. Orton.

Annie L. Orton

Copy

III

I hereby nominate, constitute and appoint my sister, Delphia M. Orton, Executrix of this my Last Will and Testament, and hereby excuse and exonerate her from giving bond or other security for the faithful discharge of her duties as such. I specifically excuse said Executrix from the necessity of the making or filing of any inventories or accountings in carrying out the provisions contained herein.

In addition to all powers granted by law or other provisions of this Will, I give my Executrix all powers and authority as set forth in T.C.A. §35-50-110 as it presently exists and as amended from time to time in addition to other powers granted herein.

This my Last Will and Testament is typewritten on three (3) pages, including the attestation clause and signatures of witnesses and is identified by my signature on each page.

IN WITNESS WHEREOF, I, ANNIE L. ORTON have hereunto set my hand to this my Last Will and Testament, and declare and publish it as such in the presence of witnesses, at Nashville, Tennessee, this 16 day of March, 2005.

Annie L. Orton

ANNIE L. ORTON

Copy

We, the undersigned witnesses, do hereby state that the above and foregoing Will was signed, published and declared by the Testatrix, ANNIE L. ORTON, 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 presence and in the 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 aforesaid acts of execution and publication at the place and on the date hereinabove set out.

Fran Lyle
WITNESS

102 Woodmont Blvd, Nashville, TN
ADDRESS

James H Crowell. J.
WITNESS

Nashville TN
ADDRESS

Annie L. Orton

PAGE THREE OF MY LAST WILL AND TESTAMENT
ANNIE L. ORTON

Copy

STATE OF TENNESSEE

COUNTY OF DAVIDSON

Frank Kirk and

JAMES H. CROWELL, JR., of legal age and after

being duly sworn according to law, depose and say:

1. That they witnessed the execution of the Last Will and Testament of **ANNIE L. ORTON**, dated March 16, 2005, to which this Affidavit is attached, and that this Affidavit is being made at the request of the Testatrix, and in accordance with Tennessee Code Annotated §32-2-110.

2. 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 sight and presence, and in the presence of each other, at the place and on the date recited in said Last Will and Testament.

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

4. That at the time they witnessed said Last Will and Testament, the Testatrix was, in their opinion, of sound mind and disposing memory.

Frank Kirk
WITNESS

James H Crowell, Jr.
WITNESS

SWORN to and Subscribed before me this 16th day of March, 2005, at Nashville, Tennessee.

Notary Public

My Commission Expires: 3-26-05