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LAST WILL & TESTAMENT

OF

STANLEY C. LIPSKI

12P1445

FILED
SEP 26 2012
CLERK, Circuit Court

I

I, STANLEY C. LIPSKI, being of mature age, sound mind and disposing memory and resident of and domiciled in Nashville, Davidson County, Tennessee, do hereby make, publish and declare this to be my Last Will and Testament, hereby revoking all wills and codicils at any time heretofore made by me.

II

My beloved companion and life partner is MARY ANN COX and I refer to her as my life partner in this, my Last Will and Testament. I also have a stepson, RICHARD H. HAMILTON, and he resides at 109 Highland Drive, Whitehouse, Tennessee 37188. These are the only two persons who shall receive any portion of my estate. Under no circumstances shall either of my two sons, Stanley Lipski, III, and Brian John Lipski, receive any portion of my estate.

III

I direct that all my just debts, secured and unsecured, be paid as soon as practicable after my death, however, I direct that my Executor may cause any debt to be carried, renewed and refinanced from time to time upon such terms and with such securities for its repayment as any Executor may deem advisable taking into consideration the best interest of the beneficiaries hereunder.

IV

I direct that all estate, inheritance, succession, death or similar taxes (except generation-skipping transfer taxes) assessed with respect to my estate herein disposed of or any part thereof, or on any bequest or devise contained in this my Last Will and Testament (including any Codicil thereto), or on any property held jointly by me with another or on any transfer made by me during my lifetime or on any other property or interests in property included in my estate for such tax purposes be paid out of my residuary estate and shall not be charged to or against any recipient, beneficiary, transferee or owner of any such property or interests in property included in my estate for such tax

purposes. If my residuary estate is inadequate to pay such taxes, they shall be paid from the assets listed in Paragraph VIII of this instrument.

V

In recognition of my circumstances, familial and financial as set out above, it is my will that I hereby nominate, constitute and appoint as Executor of this, my Last Will and Testament, my stepson, RICHARD H. HAMILTON, and direct that he shall serve without bond.

VI

If, in the event that my stepson has either not survived me at the time of my death or cannot otherwise serve as Executor, I authorize my life partner, MARY ANN COX, to serve as Executor and direct that she shall also serve without bond. If, in the event that neither RICHARD H. HAMILTON nor MARY ANN COX can serve as Executor because of age, infirmity or other reason, I request the Probate Court, or any other Court having jurisdiction of this matter, to appoint a successor Executor to carry out the duties incumbent upon them.

VII

I expressly excuse the requirement that RICHARD H. HAMILTON and MARY ANN COX prepare and file an inventory of my estate in accordance with the provisions of Tenn. Code Ann. § 30-2-301, if either serves as Executor under this, my Last Will and Testament. The preparation and filing of an inventory is excused only if RICHARD H. HAMILTON or MARY ANN COX serves as Executor under this, my Last Will and Testament.

VIII

Being concerned for the continuing general welfare of my life partner, MARY ANN COX, I hereby give, devise and bequeath to her, with the exception of the specific property I have listed in Paragraph IX of this instrument, all of my: cash and other assets from any source, tangible personal property, and all other personal and household effects of every kind including, but not limited to, furniture, appliances, furnishings, pictures, silverware, china, glass, books, boats, jewelry, wearing apparel, automobiles and other vehicles, and all policies of fire, burglary, property damage, and other insurance on or in connection with the use of the property.

If, in the event that my life partner fails to survive me at the time of my death, I hereby give, devise and bequeath the above-described property to my stepson, RICHARD H. HAMILTON. If neither my life partner nor my stepson survives me at the time of my death, my above-mentioned property shall be added to my residue.

IX

I hereby give, devise and bequeath the following specific items:

To my stepson RICHARD H. HAMILTON:

- All of my hand tools, my welding equipment, my work truck, my service truck, one-ton wench truck, and all of my guns and other firearms.

My then Executor shall disburse these items to this beneficiary within ninety (90) days from the date of my death. If, in the event that these items are unclaimed after ninety, (90) days because of age, death, infirmity or other reason, these items shall be added to my residue.

The interest of the above-named beneficiary in this paragraph shall not be transferable by voluntary or involuntary assignment or by operation of law and shall be free from the claims of creditors and from attachment, execution, bankruptcy, or other legal process to the fullest extent permissible by law.

X

At the time of the execution of this instrument, this, my Last Will and Testament, I own free and clear from any liens and encumbrances of any kind, a parcel of real property known as 207 Hart Street (consisting of a house and lot) and an adjoining vacant lot known as 209 Hart Street, located in the 12th Civil District of Davidson County, Tennessee, zip code 37207. I hereby give and devise said real property to my stepson, RICHARD H. HAMILTON, outright and in fee simple. I specifically grant and reserve, however, a life estate in said real property to my life partner, MARY ANN COX. My life partner's possession of the life estate shall be immediate. MARY ANN COX' life estate shall terminate when any of the following events occur: 1) her death, 2) her voluntary removal from said real property or, 3) until she marries, whichever shall first occur. Upon the termination of this life estate, my stepson shall have possession of the property.

XI

I hereby give, devise and bequeath all of the rest, residue and remainder of my property of every kind and description (including lapsed legacies and devises), wherever situated and whether acquired before or after

the execution of this, my Last Will and Testament, to my life partner, MARY ANN COX, if she shall survive me. If my life partner fails to survive me at the time of my death, I hereby give, devise and bequeath said rest, residue and remainder to my stepson, RICHARD H. HAMILTON, if he shall survive me. If my stepson fails to survive me at the time of my death, I hereby give, devise and bequeath said rest, residue and remainder to whatever children my stepson has living at the time of my death in substantially equal shares.

XII

By way of illustration and not of limitation and in addition to any inherent, implied or statutory powers, granted to Executors or Trustees generally, my Executor is specifically authorized and empowered with respect to any property, real or personal, at any time held under any provision of this my Last Will and Testament; to allot, allocate between principal and income, assign, borrow, buy, care for, collect, compromise claims, contract with respect to, continue any business of mine, convey, convert, deal with, dispose of, enter into, exchange, hold, improve, incorporate any business of mine, invest, lease, manage, mortgage, grant and exercise options with respect to, take possession of, pledge, receive, release, repairs, sell, sue for, to make distributions in cash or in kind or partly in each without regard to the income tax basis for such asset and in general, to exercise all of the powers which any individual could exercise in the management of similar property owned in its own right, upon such terms and conditions as to my Executor may seem best, and to execute and deliver any and all instruments and to do all acts which my Executor may deem proper or necessary to carry out the purposes of this my Will, without being limited in any way by the specific grants of power made, and without the necessity of a court order.

XIII

If, in the event any of the separate provisions of this instrument should be held invalid, the invalidity of such provision or provisions shall not affect any of the other provisions hereof, as it is my intention that each of the separate provisions shall be independent of each of the others so that all valid provisions shall be strictly enforced irrespective of the invalidity of any of the others.

XIV

If any beneficiary under this Will in any manner, directly or indirectly, contests or attacks this Will or any of its provisions, any property, share or interest in my estate given to the contesting beneficiary under this Will is revoked and shall be disposed of in the same manner provided herein as if that contesting beneficiary had predeceased me without issue.

XV

If, in the event that my death and the death of my life partner should occur simultaneously, or approximately so, or in the same common accident or calamity, or under any circumstances causing doubt as to which of us survived the other, I shall be conclusively presumed to have survived my life partner, MARY ANN COX, for the purposes of this, my Last Will and Testament.

XVI

It is my final wish that my Executor have complete control over the disposition and interment of my remains.

IN WITNESS WHEREOF, I have hereunto set my hand to this, my Last Will and Testament, consisting of this and the preceding four (4) typewritten pages, this 11 day of December, 1996.

Stanley C. Lipski

STANLEY C. LIPSKI

Signed, published and declared by the said STANLEY C. LIPSKI, believed by us to be of sound mind and disposing memory, as and for his Last Will and Testament, in the presence and sight of us, the undersigned, who, at his request, in his sight and presence, and in the sight and presence of each other, have subscribed our names as attesting witnesses on the day and year last above written.

Cynthia Grace Johnson
(Signature)

CYNTHIA GRACE JOHNSON
(Print Name)

P. O. Box 1335
(Address)

Murfreesboro, TN. 37133

Jena L. Friedmann
(Signature)

Jena L. Friedmann
(Print Name)

227 2nd Ave. North
(Address)

Nashville, TN 37227

PAGE SIX OF THE LAST WILL AND TESTAMENT OF: Stanley C. Lipski

EXECUTED ON THIS DATE: December 11, 1996

AFFIDAVIT

STATE OF TENNESSEE
COUNTY OF DAVIDSON

Jena L. Friedmann and CYNTHIA Grace Johnson, being severally duly sworn, depose and say as follows:

We are acquainted with STANLEY C. LIPSKI, who executed the instrument annexed hereto, consisting of six (6) typewritten pages, dated the 11 day of December, 1996, on that date in Nashville, Tennessee, by subscribing his name at the end thereof in the presence of each of us.

At the time of subscribing said Last Will and Testament, STANLEY C. LIPSKI declared the instrument so subscribed by him to be his Last Will and Testament, and requested that we sign our names thereto as witnesses at the end of said instrument. Upon his request we so signed our names in his sight and presence and in sight and presence of each other.

At the time of signing said Last Will and Testament, STANLEY C. LIPSKI was known to us to be past the age of eighteen (18) years, and in our opinion was of sound mind, memory and understanding, and not under any restraint or in any respect incompetent to make a Last Will and Testament.

This affidavit is made at the request of STANLEY C. LIPSKI.

The annexed Last Will and Testament of STANLEY C. LIPSKI was examined by the undersigned witnesses at the time this affidavit was made.

Witness

Witness

SWORN to and subscribed before me this 11th day of December, 1996.

NOTARY PUBLIC

My Commission Expires: 11/28/98

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 26 day of SEPTEMBER , 2012 , in Case Number 12P1445 between HAMILTON, RICHARD H. Petitioner, and LIPSKI JR., STANLEY C. 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 26 day of SEPTEMBER 2012

RICHARD R. ROOKER, Clerk,

SEAL

By _____

Deputy Clerk