Prepared by and (1)

Return To:
McCann, Hubbard & Solomon
1804 Williamson Ct., Ste 201
Brentwood, TN 37027
615-377-3319

AFFIDAVIT

I, Robert Bruce Durbin, Affiant, being first duly sworn, make oath as follows:

1. That I am a resident of the state of Florida, presently residing at 24305 Bear Den Drive, Eustis, Florida, 32736; and,

2. That my father Hobart Durbin died in Colquitt County Georgia on April 20, 2008; and,

3. That on April 21, 2008, a copy of the Last Will and Testament of Hobart Durbin was submitted for Probate in the Probate Court of Colquitt County, Moultrie, Georgia, Case No. 20537; and,

4. That my mother, Jean Durbin predeceased her husband Hobart Durbin on November 13, 2004; and,

5. That my father owned at the time of his death real property situated in Davidson County, Tennessee known as 323 33rd Avenue North, Nashville, Tennessee, and further described as:

Lot 78 on the Map of Hortense Place, of record in Book 261, page 167, of record in the Register's Office for Davidson County, Tennessee; and,

6. That an Executor's Deed was executed by my brother, James Brent Durbin and myself, Robert Bruce Durbin, as Co-Executors of the Estate of Hobart Durbin, conveying the property to me, Robert Bruce Durbin, a copy of which Executor's Deed is found of record in Instrument No. 20100111-0002152, Register's Office for Davidson County, Tennessee; and,

7. That the Last Will and Testament of Hobart Durbin was not probated in Davidson County, Tennessee but a copy of said Last Will and Testament is attached to this Affidavit as Exhibit A to show the testamentary intent of the deceased.

FURTHER, AFFIANT SAITH NOT.

WITNESS MY HAND THIS 31st **DAY OF** August **, 2012.**

Affiant Signature

BILL GARRETT, Davidson County
Trans:T20120073551 AFFIDAVIT
Recvd: 09/28/12 14:00 5 pgs
Fees:27.00 Taxes:0.00
20120928-0088687

STATE OF FLORIDA
COUNTY OF LAKE

Before me, the undersigned, a Notary Public in and for the State and County aforesaid, personally appeared the within named Affiant, Robert Bruce Durbin, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), who made oath that the statements contained in the foregoing affidavit are true of Affiant's own knowledge.

WITNESS my hand and official seal at TAVARES FL this 31st day of August, 2012.

Notary Public

My Commission Expires: 3-6-2014

COY C. SCOBIE
NOTARY PUBLIC
STATE OF FLORIDA
Comm# DD959316
Expires 3/6/2014

EXHIBIT A

Last Will and Testament
OF
HOBART DURBIN

STATE OF ALABAMA

COUNTY OF MARSHALL

I, HOBART DURBIN, domiciled and residing in the State of Alabama, hereby declare this instrument to be my Last Will and Testament, and hereby revoke all wills and codicils heretofore made by me.

ARTICLE ONE

I DIRECT that all my debts and funeral expenses be paid as soon after my death as may be practicable. In the event there is any indebtedness owing by me, whether secured or unsecured, which has not matured at the time of my death, I authorize my Executrix or alternate to pay such indebtedness either in full or according to the terms and tenor of any instrument evidencing such indebtedness as my Executrix or alternate may deem best advisable under the then existing circumstances.

ARTICLE TWO

I, GIVE, DEVISE AND BEQUEATH all of my property of whatever nature or wherever situated, including any property over which I may have a power of appointment, to my wife, JEAN H. DURBIN, if she survives me.

ARTICLE THREE

IF MY WIFE, JEAN H. DURBIN, shall fail to survive me, then, in such event, I give, devise and bequeath all of my property, real, personal and mixed, tangible and intangible, to my sons, ROBERT BRUCE DURBIN and JAMES BRENT DURBIN, in equal shares, share and share alike.

In the event that either of my sons, JAMES BRENT DURBIN or ROBERT BRUCE DURBIN, predeceases me, the balance of the estate shall pass to the survivor of them.

Hobart Durbin

HOBART DURBIN

ARTICLE FOUR

I NOMINATE AND APPOINT my wife, JEAN H. DURBIN, to be the Executrix of this my Will. If my said Executrix shall predecease me, or shall fail or refuse to qualify or act as such Executrix, then, I nominate and appoint my sons, JAMES BRENT DURBIN and ROBERT BRUCE DURBIN, as co-alternates hereunder. If either of my co-alternates should fail or refuse to qualify or act as such co-alternates, then the other may act independently with the same powers and authority as if acting together.

ARTICLE FIVE

I HEREBY GRANT to my Executrix or alternate continuing, absolute, and discretionary power to deal with any property, real or personal, held in my estate as freely and completely as I might in handling my own affairs, without prior or subsequent approval of any court, including, but not limited to, the following powers and authority:

1. To sell, exchange, mortgage, lease, or dispose of any or all property, real or personal, at public or private sale, at such time and price and upon such terms and conditions as my Executrix or alternate shall determine.

2. To borrow money upon such terms and conditions as may be determined.

3. To employ accountants, attorneys, and such other agents as may be deemed advisable, and to pay reasonable compensation for their services.

4. To compromise, settle or adjust any claim against my estate.

ARTICLE SIX

IT IS MY DESIRE, and I direct that my Executrix or alternate may exercise that power and authority herein granted independently and without prior or subsequent order or approval of any court or judicial authority, including the court having jurisdiction over the settlement of my estate.

I direct that my Executrix or alternate shall not be required to give bond for the faithful performance of their duties as such, or to file an inventory, appraisal, accounting, report or final settlement in any court; and if any bond is required by any statute, rule or order of court, then I direct that no surety be required thereon.

Hobart Durbin
HOBART DURBIN

ARTICLE SEVEN

WHENEVER the feminine noun or pronoun is used herein, it is to be interpreted to include the masculine or neuter, and vice versa, if necessary to effectuate the provisions of this Will, and whenever a singular noun or pronoun is used, it is to be considered as including the plural and vice versa if necessary to carry out my expressed intentions.

I SIGNED this Will on the 15 day of August, 2003.

Hobart Durbin
HOBART DURBIN

On the date last above written, we saw HOBART DURBIN, in our presence, sign the foregoing instrument at its end. He then declared it to be his Will and requested us to act as witnesses to it. We then, in his presence and in the presence of each other, signed our names as attesting witnesses, believing him at all times herein mentioned to be of sound mind and memory and not acting under constraint of any kind.

[illegible]
WITNESS

Cuntersville, AL
ADDRESS

[illegible]
WITNESS

[illegible]
ADDRESS

I, HOBART DURBIN, the testator, sign my name to this instrument this the 15 day of August, 2003, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute it as my free and voluntary act for the purposes therein expressed, and I am nineteen (19) years of age or older, of sound mind, and under no constraint or undue influence.

Hobart Durbin
HOBART DURBIN

We, Tracy Sparks and Donna Thomas the witnesses, sign our names to this instrument, being first duly sworn, and do hereby declare to the undersigned authority that the testator signs and executes this instrument as his Last Will and that he signs it willingly, and that each of us in the presence and hearing of the testator, hereby signs this Will as witness to the testator's signing, and that to the best of our knowledge, the testator is nineteen years of age or older, of sound mind, and under no constraint or undue influence.

Tracy Sparks
WITNESS

Guntersville, AL
ADDRESS

Donna Thomas
WITNESS

Arab AL
ADDRESS

STATE OF ALABAMA

COUNTY OF MARSHALL

SUBSCRIBED, SWORN TO AND ACKNOWLEDGED before me by HOBART DURBIN, the testator, and subscribed and sworn to before me by Tracy Sparks and Donna Thomas witnesses, this the 15 day of August, 2003.

Notary Public, State at Large

Exp. 7-15-2005

COLQUITT COUNTY
MOULTRIE, GEORGIA
I do hereby certify that the within is an exact copy of the original on file in this office.
Witness my hand and official seal
This 30th day of November 2009.
Melissa M. Baker 4 pages
~~Judge~~ / Clerk of the Probate Court