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RICHARD R. ROOKER, CLERK

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

D.C.

IN RE:

ESTATE OF MARY MAGDALENA BAILEY BERRY)
DECEASED.)

NO. 078914

ORDER

This cause was heard on to be heard before R.H. Bradshaw, Jr., Probate Master, upon the petition of Clara Kimble, Eddie Vernon Kimble and Paulette Thompson to have the will of Mary Magdalena Bailey Berry (the "Decedent") admitted to probate. From the averments of the petition and the testimony of witnesses, the Court finds that:

1. The Decedent died on January 22, 2007, in Nashville, Tennessee.

2. At the time of the Decedent's death, the Decedent was one-hundred one (101) years of age and was a resident of Davidson County, Tennessee.

3. The Decedent left a paper writing, dated November 20, 1986, executed by the Decedent and purporting to be her will (the "Will").

4. The Will was properly attested to by Robert Coggins and Gus Capps, each of whom has testified by affidavit to the proper execution and attestation of the Will, and that the Decedent was of apparent sound mind at the time the Will was executed.

5. The Will is offered for probate for the limited purpose of establishing a muniment of title to the Decedent's real estate located at 511 Yokley Road, Nashville, TN 37207, pursuant to T.C.A. § 32-2-111.

BILL GARRETT, Davidson County
Trans:T20120073927 ORDER
Recvd: 10/01/12 12:31 7 pgs
Fees:37.00 Taxes:0.00
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It is, therefore, ORDERED:

1. That the Will is admitted to probate as the will of the Decedent for the limited purpose of establishing a muniment of title to the Decedent's real estate, pursuant to T.C.A. § 32-2-111.

2. That the appointment of a personal representative and issuance of Letters Testamentary are waived.

3. That notice of publication to the creditors of the estate as required in T.C.A. § 30-2-306 and notice to the Department of Revenue as required in T.C.A. § 67-8-406 are waived.

4. That formal court-supervised administration of the decedent's estate is waived.

This cause is retained by this Court for such further action as may be necessary from time to time.

R. H. Bradshaw, Jr.,
Probate Master

SUBMITTED FOR ENTRY:

BOULT, CUMMINGS, CONNERS & BERRY, PLC
Attorneys for Estate

By: _____
Brian S. Shelton (BPR No. 023882)

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CERTIFICATE OF SERVICE

This is to certify that a true and exact copy of the foregoing Order has been sent this 4th day of December, 2007, by first class mail, postage prepaid, to the following individuals who are all of the beneficiaries and heirs at law of the estate:

Clara Elizabeth Kimble
511 Yokley Road
Nashville, TN 37207

Eddie Vernon Kimble
511 Yokley Road
Nashville, TN 37207

Paulette Thompson
143 Oak Park Drive
Nashville, TN 37207

Brian S. Shelton

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Last Will and Testament

OF

MARY BERRY

* * * * * * * * * * *

I, Mary Berry, a resident of Davidson County, Tennessee, being of sound mind and disposing memory, do hereby make, publish and declare this to be my Last Will and Testament, and do hereby revoke all other wills or codicils thereto, heretofore made by me.

ARTICLE I

I direct that all my just debts, expenses of my last illness, my funeral expenses and all expenses of administration, to include any estate or inheritance taxes that may be imposed by reason of my death, be paid out of my general estate, by my Executrix, without any allocation to or reimbursement from any devisee, legatee or beneficiary.

ARTICLE II

I hereby give, devise and bequeath all of my property, both real and personal, wheresoever situated, to my children Clara Elizabeth Kimble and Eddie Vernon Kimble, share and share alike, to be theirs absolutely and in fee simple.

In the event either of my children, Clara Elizabeth Kimble or Eddie Vernon Kimble, should predecease me, then I hereby give, devise and bequeath all of my property, both real and personal, wheresoever situated, to the survivor, to be his or her sole and absolute property. In the event both Clara Elizabeth Kimble and Eddie Vernon Kimble should predecease me, then I direct that my entire estate be given to my children Harold Lee Kimble, Dean Caldwell Kimble, and Paulette Thompson, share and share alike.

In the event any of my children Harold Lee Kimble, Dean Caldwell Kimble, or Paulette Thompson, should predecease me, then I hereby give, devise and bequeath all of my property, both real

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and personal, wheresoever situated, to the survivors, to be their sole and absolute property.

ARTICLE III

I hereby appoint my daughter, Paulette Thompson, as Executrix of this my Last Will and Testament. I direct that no bond or other security be required for the faithful performance of her duties in such capacity. Should my daughter, Paulette Thompson, predecease me or should she be unable or unwilling to serve for any reason whatsoever, then I hereby appoint John T. Blankenship as contingent Executor; and should he be called on to serve, he is to serve without bond.

IN WITNESS WHEREOF, I have hereunto set my hand to this my Last Will and Testament on this the 20th day of November, 1986, consisting of three (3) typewritten pages, including the attestation clause and Affidavit of witnesses.

Mary Berry
MARY BERRY, Testatrix

The foregoing instrument was signed, published and declared by the Testatrix, Mary Berry, as and for her Last Will and Testament, in the presence of us and each of us; and we at the same time, at her request and in her presence and in the presence of each other and believing her to be of sound mind, have hereunto subscribed our names as attesting witnesses on this the 20th day of November, 1986.

Robert M Cogan
Witness

Witness

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A F F I D A V I T

STATE OF TENNESSEE

COUNTY OF DAVIDSON

We, the undersigned, being first duly sworn, make oath that Mary Berry, on the 20th day of November, 1986, declared and signified to us that this instrument is her Last Will and Testament; that she then signed said instrument in our sight and presence; that we at her request and in her sight and presence and in the sight and presence of each other, then subscribed our names hereto as attesting witnesses; that at the time of execution, the Testatrix, Mary Berry, was more than 18 years of age, of sound mind and disposing memory, and did not appear to be under any undue influence; and that we the undersigned, each being more than 18 years of age, make and sign this Affidavit at the request of the Testatrix on the day and date above written.

Robert M Cooper
Affiant

Affiant

Sworn to and subscribed before me,
this 20th day of November, 1986.

Notary Public
My commission expires: 2/24/89

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 ORDER heretofore entered in the SEVENTH Circuit Court for Davidson County, Tennessee, on the 07 day of DECEMBER , 2007 , in Case Number 07P1914 between THOMPSON, PAULETTE Petitioner, and BERRY, MARY MAGDALENA BAILEY 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 06 day of SEPTEMBER 2012

RICHARD R. ROOKER, Clerk,

By _____
Deputy Clerk

SEAL

