FILED

IN THE SEVENTH CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE
(PROBATE DIVISION)
2012 OCT 2 AM 9:02
RICHARD R. ROOKER, CLERK

In the Matter of:) No. 12P-1508
)
Peggy D. Stewart, Deceased,) Woodson D.C.
Probate for Muniment of Title.)

ORDER ADMITTING WILL TO PROBATE AS MUNIMENT OF TITLE TO REAL ESTATE

This cause came to be heard on this the 2nd day of October, 2012, upon the Petition of Robert L. Stewart who is the surviving spouse of the Decedent, Peggy D. Stewart, pursuant to T.C.A. § 32-2-111 for the purpose of probating the Decedent's will as a muniment of title to real estate. Based on an examination of the Petition, the Court finds the following:

1. Petitioner resides at resides at 8924 Sawyer Brown Road, Nashville, Tennessee 37221, and is the surviving spouse of the Decedent, Peggy L. Stewart.

2. The Decedent died on June 26, 2012, at the age of 77 years, at St. Thomas Hospital, Nashville, Tennessee.

3. At the time of her death, the Decedent was a resident of Davidson County, Tennessee, and resided at 8924 Sawyer Brown Road, Nashville, Tennessee 37221.

4. The Decedent is survived by her spouse, the Petitioner, and the following three adult children.

Robert B. Stewart
1104 Harpeth Mills Court
Nashville, TN 37221

Timothy M. Stewart
Warren Terrace East 76
Welchwood Drive
Nashville, TN 37211

Dana J. Stewart
355 Astor Way
Franklin, TN 37064

BILL GARRETT, Davidson County
Trans:T20120076453 ORDER
Recvd: 10/09/12 09:50 6 pgs
Fees:32.00 Taxes:0.00
20121009-0092262

The Decedent had no deceased children.

5. Presented with the Petition is a document dated August 11, 1992, that Petitioner believes is the Decedent's last will and testament.

6. The Decedent's said last will and testament appears to have been properly executed by the Decedent and properly witnessed by Elizabeth G. Bloom and Lottie L. Haslip who also signed the self-providing affidavit attached to the will.

7. At the time of her death, the Decedent owned an undivided interest in real property known as 8506 Sawyer Brown Road, Nashville, Tennessee 37221 (the "Sawyer Brown Road Property"), which is fully described as follows:

> Unit No. 8506, together with the carport designated No. 8506-C, in River Plantation, Section Ten, Phase II-B, a Condominium, a Horizontal Property Regime, located on Sawyer Brown Road, Bellevue, Davidson County, Tennessee, as shown on plat of River Plantation, Section Ten, Phase II-B, Condominium Apartments, recorded in Plat Book 9700, Page 27, Register's Office for Davidson County, Tennessee, and described in a Master Deed recorded in Book 9394, Page 598, said Register's Office for Davidson County, Tennessee, to which reference is hereby made, and in annexation documents in Book 9669, Page 111, Book 9780, Page 284, and Book 10024, Page 409, Register's Office for Davidson County, Tennessee. The easements, restrictive covenants, conditions and regulations imposed upon and relating to the apartments, property, co-owners and tenants of River Plantation, Section Ten, Phase II-B, Condominium Apartments, contained in the Master Deed and By-Laws appended thereto, recorded in Book 9394, Page 598, et. seq., as applied to Section Ten, Phase II-B, by annexation documents in Book 9780, Page 284; Book 9669, Page 111; and Book 10024, Page 409, Register's Office for Davidson County, Tennessee, are incorporated in this deed by reference and made a part hereof the same as though copies herein.
>
> Being the same property conveyed to Anna Joyce Street and Peggy Delois Stewart from Wallace C. Wilson, a widower, by quitclaim deed of record as Instrument No. 20081118-0113809 Register's Office for Davidson County, Tennessee. Peggy Delois Stewart and Peggy D. Stewart are one and the same person.

8. With the exception of the Sawyer Brown Road Property, the Decedent did not leave a probate estate to be administered.

9. Under Item IV of the Decedent's will, the residuary estate is bequeathed to the trustees under that certain trust agreement dated August 11, 1992 executed by the Decedent.

10. Pursuant to the terms of such trust agreement, the trustees are Robert L. Stewart (the Petitioner) and his son, Robert Barry Stewart.

11. Under the Decedent's will, the residuary estate consists solely of the Sawyer Brown Road Property.

12. Under the Decedent's will, real estate is not included as a part of the probate estate and, therefore, pursuant to T.C.A. § 31-2-103, title to the Sawyer Brown Road Property vested in the said trustees upon the Decedent's death.

13. All interested parties have received notice of the date and time for the hearing of the Petition as evidenced by the Notice of Hearing attached to the Petition.

Based on the above findings,

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED:

1. That, pursuant to T.C.A. § 32-2-111, the last will and testament of Peggy D. Stewart, dated August 11, 1992, is admitted to probate for the limited purpose of establishing a muniment of title to the Decedent's interest in the below-described real property, with such title being vested in Robert L. Stewart and Robert Barry Stewart, Trustees under that certain trust agreement dated August 11, 1992, executed by the Decedent.

> Unit No. 8506, together with the carport designated No. 8506-C, in River Plantation, Section Ten, Phase II-B, a Condominium, a Horizontal Property Regime, located on Sawyer Brown Road, Bellevue, Davidson County, Tennessee, as shown on plat of River Plantation, Section Ten, Phase II-B, Condominium Apartments, recorded in Plat Book 9700, Page 27, Register's Office for Davidson County, Tennessee, and described in a Master Deed recorded in Book 9394, Page 598, said Register's Office for Davidson County, Tennessee, to which reference is hereby made, and in annexation documents in Book 9669, Page 111, Book 9780, Page 284, and Book 10024, Page 409, Register's Office for Davidson County, Tennessee. The easements, restrictive covenants, conditions and regulations imposed upon and relating to the apartments, property, co-owners and tenants of River Plantation, Section Ten, Phase II-B, Condominium Apartments, contained in the Master Deed and By-Laws appended thereto, recorded in Book 9394, Page 598, et. seq., as applied to Section Ten, Phase II-B, by annexation documents in

Book 9780, Page 284; Book 9669, Page 111; and Book 10024, Page 409, Register's Office for Davidson County, Tennessee, are incorporated in this deed by reference and made a part hereof the same as though copies herein.

Being the same property conveyed to Anna Joyce Street and Peggy Delois Stewart from Wallace C. Wilson, a widower, by quitclaim deed of record as Instrument No. 20081118-0113809 Register's Office for Davidson County, Tennessee. Peggy Delois Stewart and Peggy D. Stewart are one and the same person.

2. That the Decedent's said last will and testament be lodged with the Clerk of the Court, and there shall be no formal administration of the Decedent's estate.

Entered: October 2, 2012.

Robert H. Bradshaw, Jr.
Probate Master

PREPARED BY AND
APPROVED FOR ENTRY:

D. Jefferson Herring, P.C.

By: D. Jefferson Herring

D. Jefferson Herring
Attorney for Petitioner
Suite 200, The Pilcher Building
144 Second Avenue North
Nashville, TN 37201
(615) 259-9594
BPR No. 6949

CERTIFICATE OF SERVICE

This is to certify that the foregoing Order was served on the below-named persons by mailing a true and exact copy of same by U.S. Mail, postage paid, to the following postal addresses on this the 2nd day of October, 2012.

Robert B. Stewart
1104 Harpeth Mills Court
Nashville, TN 37221

Timothy M. Stewart
Warren Terrace East 76
Welchwood Drive
Nashville, TN 37211

Dana J. Stewart
355 Astor Way
Franklin, TN 37064

D. Jefferson Herring

C:\Docs\8-EA\Stewart\Probate\Order.wpd

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 FINAL ORDER heretofore entered in the SEVENTH Circuit Court for Davidson County, Tennessee, on the 02 day of OCTOBER , 2012 , in Case Number 12P1508 between STEWART, ROBERT L. Petitioner, and STEWART, PEGGY D. 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 04 day of OCTOBER 2012

RICHARD R. ROOKER, Clerk,

By _____ Deputy Clerk

SEAL

RICHARD R. ROOKER CIRCUIT COURT CLERK