# ENTERED

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| AOC - 806 Rev. 12-03 Page 1 of 1 Commonwealth of Kentucky Court of Justice www.kycourts.net KRS Chapters 394 and 395 | Doc. Code: OWF 11/17/2011 10:14 am Ver. 1.01 | 11-21-11 a.c. **ORDER PROBATING WILL AND APPOINTING EXECUTOR/EXECUTRIX** |

Case No. 11-P-475

Court District Probate

County Christian

**IN RE: Estate of** KENNETH TIDWELL

Decedent's Date of Death: 11/13/2011 SSN: [redacted]-2705

The Petition for probate of the Will of the above-named Decedent and for appointment of an Executor/Executrix came on for hearing on NOVEMBER 21, 2011. The Will was produced in open court and was ☑ self-proved under KRS 394.225 **OR** ☐ proved by _____.

**IT IS THEREFORE ORDERED** that the Will be, and it is, hereby admitted to probate as the Last Will and Testament of the Decedent. **IT IS FURTHER ORDERED** that SANDS M. CHEWNING, with an address of 603 SOUTH MAIN STREET, HOPKINSVILLE, Kentucky 42240, be and is, hereby appointed Executor/Executrix of said estate. The Court fixes bond in the sum of $ _____.

**WHEREUPON** said Executor/Executrix took the oath prescribed by law and entered into and acknowledged the above-mentioned bond with ☐ approved Surety **OR** ☑ Surety having been waived.

**Date:** 11-21, 2011. James D. Adams Jr **Judge**

**NOTICE OF ENTRY WAIVED:**

Sands M. Chewning

**Petitioner's OR Attorney's Signature**

[redacted]
Doc ID: 004154920014 Type: WIL
Recorded: 11/22/2011 at 02:24:37 PM
Receipt#: 2011-00004994
Page 1 of 14
Fees: $8.00
Christian County, KY
Michael Kem County Clerk
BK 63 PG 291-304

**CERTIFICATION**

I, Gary J. Haddock, Clerk of the CHRISTIAN COUNTY Circuit Court, do certify this constitutes a true and correct copy of the Order Admitting Will to Probate and Appointing Executor/Executrix, as recorded in my office.

**Date:** 11-21, 2011.

Gary J. Haddock Clerk

By: A. Cuppy D.C.

CHRISTIAN COUNTY SEAL CIRCUIT CLERK

**Distribution:**

Original - Court File *(with certified copy of Will)*
Copies - Executor/Executrix
Revenue Cabinet *(Inheritance Tax Section)*
Certified Copy - County Clerk *(with original of Will); Petitioner is responsible for recording fee.*

CHRISTIAN COUNTY KENTUCKY CLERK SEAL

STATE OF KENTUCKY, COUNTY OF CHRISTIAN
I, Michael A. Kem, Christian County Clerk do certify that the foregoing is a true and correct copy of Will and Probate as same appears of record in my said office in Will Book 63 Page 291
Given under my hand this 7th day of September 2012
Michael A. Kem, Christian Co. Clerk D.C.
By: Kay Clifford

BILL GARRETT, Davidson County
Trans:T20120079783 WILL
Recvd: 10/19/12 15:47 14 pgs
Fees:72.00 Taxes:0.00
20121019-0096243

11-21-11
FILED IN CONTINUOUS COURT
ATTEST: GARY J. HADDOCK, CLERK
BY: A. Cumberry D.C.

# LAST WILL AND TESTAMENT

# OF

# KENNETH TIDWELL

I, Kenneth Tidwell, of 2145 Carter Road, Oak Grove, KY 42262, being of full age, sound mind and memory, and under no restraint, do make, publish, and declare this instrument to be my Last Will and Testament, and hereby revoke all wills and codicils ever before made by me.

## ARTICLE I

I hereby direct that my Executor, hereinafter named, pay my lawful debts, the costs of administration of my estate, and the expenses of my last illness and funeral, as soon after my death as practicable including all inheritance, estate and other death taxes, including interest and penalties thereon, payable by reason of my death, as an administration expense, and such Executor shall not be entitled to contribution or reimbursement from any person.

## ARTICLE II

I name my attorney, Sands M. Chewning, Executor of this Will. I direct that no surety be required on the bond of any person named as Executor herein.

K.T.

## ARTICLE III

After the payment of the debts and expenses as set forth in Article I above, I give, devise and bequeath the entirety of the property which I may own at my death, real, personal and mixed, tangible and intangible, of whatsoever nature and wheresoever situated, including all property which I may acquire or become entitled to after the execution of this Will, in fee simple, to my wife, Ann Tidwell. In the event that my wife, Ann Tidwell, should predecease me, then the entirety of my estate shall be divided as follows: 50% to my son, Laurin Tidwell; 10% to my son, Darrell Tidwell; 20% to my grand-daughter, Aubrey Tidwell; and 20% to my grand-son, Matthew David Tidwell as well as the specific bequest in Article IV. In the event that my son, Darrell Tidwell, shall predecease me, his portion of the estate shall pass in equal shares to his living children, Matthew David Tidwell and Aubrey Tidwell. In the event that my son Laurin Tidwell shall predecease me, then his portion of the estate shall pass in equal shares to his children, Hillary Tidwell and Joseph Tidwell, to be held in a spend thrift trust. I hereby name Sands M. Chewning as trustee of said trust. Said funds will be held in trust until each child reaches the age of thirty-five (35), at which the total corpus shall be made payable to said child. Prior to the children reaching the age of thirty-five, the trustee shall have the sole discretion to disburse said

K.T.

trust in the way he sees fit for the benefit of said children.

## ARTICLE IV

I hereby make this specific bequest to my grandson, Matthew David Tidwell, born December 9, 1980, 233 Mallory Drive, Charleston, SC 29414:

The farm I inherited from my mother and father pursuant to their Last Will and Testament, and is more particularly described as the attached Schedule A, and being approximately 56.68 acres more or less.

## ARTICLE V

**No-Contest Clause**. Except as otherwise provided herein, I have intentionally provided for the distribution of my Estate with full knowledge of all my heirs. If any beneficiary under this Last Will and Testament, in any manner, directly or indirectly, contest my Will or any of its provisions, in any legal proceeding that is designed to thwart my wishes as expressed in my Will, any share of interest in my Estate given to that contesting beneficiary under my Will, is revoked and shall be disposed of under the terms of my Will as if that contesting beneficiary had predeceased me without issue. Said Beneficiary that contests this Will shall then receive the sum of One Hundred Dollars ($100.00).

K.T.

## ARTICLE VI

If my grandchildren, Hillary Tidwell or Joseph Tidwell, shall become entitled to my Estate, prior to reaching the age of thirty-five (35) years of age, the Trustee shall hold, administer and distribute such shares as a separate Trust estate for the benefit of said grand-child, upon the following terms and conditions:

**a. Payment of Income and Principal to grand-child**: At the end of each annual year following my death, the Trustee shall pay to my grand-child the sum equal to eighty percent of the income, for that calendar year. The remaining twenty percent shall be reinvested into the trust. Said payment shall be payable on or before the 10th day of January following my death.

**b. Termination of Child's Trust**: When my grandchild reaches the age of thirty-five (35) the balance of the property then constituting him/her trust estate shall be distributed to him/her, free from trust.

**c. Spend Thrift Clause**: To the maximum extent permitted by law, the interest of any beneficiary in the income or principal of any trust created hereunder shall be free from the claims of any creditor and from attachment, execution, bankruptcy and other legal process and may not be voluntarily or involuntarily, or by operation of law, transferred, assigned, alienated, encumbered, or otherwise disposed of, except by a

K.T.

disclaimer.

**d. Distribution Upon GrandChild's Death:** Upon the death of my grandchild and before complete distribution of his/her trust estate, the property then constitution him/her trust estate shall be distributed to his/her then living descendants, per stripes, or, if no such descendant is then living, such property shall be distributed to his/her living sibling.

1. If a descendant of a deceased grandchild of Grantor becomes entitled to a share (or a part thereof) in the trust estate prior to reaching age thirty-five (35), then the Trustee shall hold, administer, and distribute such share as a separate trust estate for the benefit of such descendant, upon the following terms and conditions.

**A. Payment of Income and Principal to Descendant.** The Trustees shall use and apply, directly or indirectly, for the benefit of, and/or pay to, such descendant so much, none or all of the annual net income and of the principal of his or her trust estate as the Trustees consider appropriate for his or her health, education, maintenance and support until he or she reaches age thirty-five (35), adding unused income to principal. In making such distributions, the Trustees shall take into account the descendant's accustomed manner or living and may determine, in their sole discretion, whether to take into account any resources otherwise available to the descendant of which the

K.T.

Trustee has actual knowledge.

**B. Termination of Descendant's Trust.** When such descendant reaches age thirty-five (35), the property then constitution his or her trust estate shall be distributed to him or her, free from trust. If any such descendant should die before reaching age thirty-five (35), his or her trust estate shall be distributed to his or her then living descendants per stripes, or, if no such descendant is then living, such property shall be distributed to the persons who may then be his or her heirs who are also descendants of Grantor, if any, as determined by the laws of the State of Kentucky then in force, subject, in each case, to the conditions herein set out. If no descent of Grantor is then living, such property shall be distributed as provided in Section 6(a) hereof. The trustee shall have the sole discretion to use the principal of the trust for the sole benefit of the beneficiary.

**C. Appointment of Trustee**: I do hereby appoint my attorney, Sands M. Chewning, of the Law Firm Chewning and Chewning, 603 South Main Street, Hopkinsville, KY, as Trustee of the trusts established herein for my grandchildren, Hillary Tidwell and Joseph Tidwell. I request that my Trustee employ the services of the Brokerage firm of Hilliard and Lyons, 1100 South Virginia Street, Hopkinsville, Kentucky to handle the affairs and investments of this Trust Estate. If they, at any

K.T.

time, should be unable to act, then my Trustee shall be permitted to employ, at his sole discretion, another qualified broker, to handle the affairs and investments of these separate Trust Estates.

**D. Investment Authority:** My Trustee, and the Broker he employs, shall have the absolute sole discretion and power to invest the assets in the trust estate created herein for the benefit of my child, and my child shall have no authority to direct or control how the assets of his/her separate trust estates are invested.

**E. Trustee Accounting:** The Trustee shall render an accounting at least once each twelve months to my beneficiary and to the natural or legal guardian, if any, of the minor or otherwise legally disabled beneficiary then receiving or entitled to receive income hereunder. The account shall show the receipts, disbursements and distributions of principal and income since the last accounting, and the assets on hand. If no objection shall be made to any account so rendered within ninety (90) days after a copy thereof has been deposited in the mail addressed to any person entitled thereto, as hereinabove provided, such beneficiary shall be conclusively presumed to have approved or assented to all actions reflected in the account so rendered.

Notwithstanding any statute or rule of law to the contrary, no Trustee shall be required to qualify or to file inventories or accounting in any probate or other court.

K.T.

**F. Compensation of Trustee and Broker**: My Trustee may retain payment for his services as Trustee from the assets of each trust estate a sum equal to his normal hourly billable rate at the time services are provided.

**G. Governing Law:** This trust instrument, its validity, construction and any questions concerning its amendment or revocation shall be governed by the laws of the State of Kentucky. The administration of all trust estates created hereunder is to be governed in all respects by the laws of the state in which the trust is then being administered (based on the location of the principal office of the Trustee then having custody of that trust's principal assets and records) which state's courts shall have nonexclusive jurisdiction over the administration of that trust with respect to any period during which it was being administered in that state. The foregoing shall apply even though the situs of some trust assets or the home or principal place of the Grantor or any other beneficiary may at some time or times be elsewhere.

**H. Headings:** The section headings contained herein are provided for convenience and reference use only and shall not affect in any way the meaning or interpretation of any provision of this trust.

## ARTICLE VII

In addition to the general powers conferred on my Executrix by law, my

K.T.

Executrix shall have full power, in his discretion and without any court order or proceeding:

1. To sell, transfer, convey, deliver and convert, in his discretion, even without petition to or order of the Court, and without inventory, appraisement, notice, report and confirmation and without furnishing bond, (if lawfully permitted to do so), the whole or any part of said estate, whether real, personal, or mixed, at either public or private sale for cash or partly cash and partly credit, upon such terms and to such parties as they may deem advisable.

2. To retain and continue to hold any asset, real, personal or mixed, received by them as part of my estate, or any increase thereof.

3. To extend, renew from time to time, or pay in whole or in part any indebtedness existing at the time of any decease.

4. To settle and compound any and all claims either in favor of or against my estate, upon such terms as they may deem proper.

5. To execute and deliver all necessary and proper documents in the evidence or confirmation of any act herein authorized for the purpose of making any distribution of my estate, real, personal or mixed.

6. My said Executors are authorized and empowered to value and

K.T.

appraise any or all of said estate and to distribute the same in cash, or partly in kind and partly in cash, as they may deem advisable, and any such valuation or appraisal made by said Executors shall be conclusive and binding upon all persons.

7. No person taking any property from my said Executors by way of sale, mortgage, pledge, exchange or otherwise, shall be required to see to the application of the proceeds thereof or to inquire as to the authority of my Executors in the premises.

**ARTICLE VIII**

I request that my Executrix employ the law firm of CHEWNING & CHEWNING, Attorneys at Law, of Hopkinsville, Kentucky, to handle all legal affairs necessary in the settlement of my estate.

I, Kenneth Tidwell, the Testator, sign my name to this instrument this 9 day of November, 2010, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my Last Will and Testament, that I sign it willingly, and that I execute it as my free and voluntary act for the purposes expressed therein, and that I am eighteen (18) years of age or older, of sound mind, and under no constraint or undue influence.

Kenneth Tidwell
KENNETH TIDWELL

KT
K.T.

We, Sabrina Bledsoe and Jennifer White, 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 Testament, that he signs it willingly, and that each of us, in the presence and hearing of the Testator and in the presence of the other subscribing witness, hereby sign this Will as witness to the Testator's signing, and that to the best of our knowledge the Testator is eighteen (18) years of age or older, of sound mind, and under no constraint or undue influence.

Sabrina Bledsoe
WITNESS

Jennifer White
WITNESS

STATE OF KENTUCKY )
) SCT.
COUNTY OF CHRISTIAN )

SUBSCRIBED, SWORN AND ACKNOWLEDGED before me by Kenneth Tidwell, the Testator, and subscribed and sworn to before me by Sabrina Bledsoe and Jennifer White, the witnesses, on this the 1 day of November, 2010.

My commission expires: 6/10/12.

NOTARY PUBLIC, STATE AT LARGE

K.T.

PREPARED BY:

CHEWNING & CHEWNING
ATTORNEYS AT LAW
P.O. BOX 955
603 SOUTH MAIN STREET
HOPKINSVILLE, KY 42241-0955
TELEPHONE (270) 886-4422
FACSIMILE (270) 885-2111

SANDS M. CHEWNING

K.T.

## SCHEDULE A.

1.

**The estate or interest of the insured covered by this policy.**

Fee Simple Title

2.

**Description of the real estate in respect of which this Policy is issued.**

Land in the 14th, formerly the 24th, Civil District of Davidson County, Tennessee, being the southerly part of Tract No. 1 on the plan of the subdivision of the Weaver-Harris, et al. Lands, as of record in Plan Book 2, page 183, Chancery Court at Nashville, described as follows:

Beginning at a point in the center of the Goodlettsville Pike, the southwest corner of said Tract No. 1 and the northwest corner of Tract No. 2 on said plan; thence with the center of said Pike and the line between said Tracts Nos. 1 and 2 and Tract No. 3 on said plan, south 72° east 18 poles to a point, south 85° east 7 poles to a point, north 67° east 6 poles to a point, north 40½° east 14 poles to a point, north 46½° east 52 poles to a point and north 37½° east 25.8 poles to the intersection of the center line of said Pike and the center line of Wilkerson Road; thence with the center line of said Wilkerson Road, north 41½° west 7.8 poles to a point, north 5¾° west 29 poles to a point, north 22° west 20 poles to a point, north 42° east 6 poles to a point and north 1° west 3.40 poles to the southeast corner of a part of Tract No. 1 conveyed to J. L. Armstrong by deed from Dempsey Weaver and wife, of record in book 840, page 525, Register's Office for said County; thence with the southern boundary line of said Armstrong's tract of land, north 80½° west 75.32 poles to a point in the eastern boundary line of a tract of land owned by Marshall, said point being in the western boundary line of said Tract No. 1 and 92 poles southerly from the northwest corner of said Tract No. 1; thence with the western boundary line of said Tract No. 1, south 3° west 135.2 poles to the beginning, containing 56.68 acres, more or less.

18-378 Per.

Being the same property conveyed to Darrell E. Tidwell and wife, Ova Lee Tidwell by deed from Mrs. Anna Cole Weaver, of record in book 1583, page 103, said Register's Office.