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RICHARD R. ROOKER
D.C.

LAST WILL AND TESTAMENT

OF

CHARLES FRANKLIN McKELVEY

I, CHARLES FRANKLIN McKELVEY, a citizen and resident of Nashville, Davidson County, Tennessee, being of sound mind and disposing memory, do hereby make, publish and declare this to be my Last Will and Testament, hereby revoking all prior Wills and Codicils heretofore executed by me.

ITEM I

I direct that all of my matured debts and funeral expenses be paid by my Executrix/Executor out of my estate as soon as it is practicable after my death. My Executrix/Executor shall likewise pay out of my estate all fees and expenses incident to the administration of my estate, and all inheritance, succession and estate taxes assessed against my estate, including such taxes as may by assessed on account of policies of insurance on my life, or jointly held property, and other property taxable as part of my estate but not coming into the hands of my Executrix/Executor.

ITEM II

My wife, Leta Frances Grubb McKelvey, is already the owner of the household furnishings, furniture, linens, china, silver and the fixtures in our home.

 Charles Franklin McKelvey

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I give, devise and bequeath to my wife, Leta Frances Grubb McKelvey, if she survives me by more than thirty (30) days, my entire estate including furniture, jewelry, automobiles, personal effects, stocks, bonds or other securities, cash and real estate, together with all policies of insurance on such tangible property, insuring against loss of whatever kind, and in the case of automobiles, all policies of liability insurance protecting against liability on account of the use of the same, which I may own or have interest in at the time of my death.

ITEM III

In the event my wife, Leta Frances Grubb McKelvey, predeaceases me, or we die simultaneously as the result of a common disaster, or so closely thereto that my Executrix/Executor cannot determine with any degree of accuracy which of us died first, or she does not survive me me by more than thirty (30) days, then I hereby direct that my entire estate, consisting of all property both real, personal and mixed, of whatever kind and wherever situated, be disposed of in accordance with Item IV of this my Last Will and Testament.

 Charles Franklin McKelvey

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ITEM IV

Should my wife, Leta Frances Grubb McKelvey, not survive me, as set our in Item III above, then I direct that my estate be disposed of in the following manner:

(A) I hereby give, devise, and bequeath Twenty (20%) Percent of my net estate, after all debts, taxes and administration expenses have been paid, to be divided equally between Anthony Bryan Carr Five (5%) Percent and Daniel Eugene Carr Five (5%) Percent residents of Smyrna, Tennessee at the time of the execution of this document; Brian Wayne Delzell Five (5%) Percent a resident of Woodstock, Georgia at the time of the execution of this document and Steven Kent Peters Five (5%) Percent a resident of Corryton, Tennessee at the time of the execution of this document.

If any devisee or legatee listed in this Item IV, Part (A) predeceases me, then their share will be divided equally between the devisees and legatees listed in Part (B) of this Item IV.

(B) I direct that my Executrix/Executor permit the following named beneficiaries; Craig France, Maggie France, and Clint Anderson all resident of Nashville, Tennessee at the time of the execution of this document.

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Jennifer Ann Delzell a resident of Tempe Arizona at the time of the execution of this document and Barry Lee Delzell a resident of Charlotte, North Carolina at the time of the execution of this document to select any items of personal effects, jewelry, lamps, accessories, etc. not already designated. Any items of furniture are then to be redeemed by these beneficiaries at the then appraised value, with the value of such redeemed items being deducted from any final cash settlement due each such beneficiary. It is my desire that the devisees and legatees in Item IV, Part (A) be permitted to select some personal items if they so desire. After the selection and/or redemption of all such items I direct that my Executrix/Executor reduce the rest, residue and remainder of my estate to cash, with Twenty (20%) Percent to be distributed as set out in Part (A) of this Item IV. The remaining Eighty (80%) Percent is to then be distributed in the following manner: Jennifer Ann Delzell Ten (10%) Percent, a resident of Tempe Arizona at the time of the execution of this document and Barry Lee Delzell Fourty (40%) Percent a resident of Charlotte, North Carolina at the time of the execution of this document; Craig France Ten (10%) Percent, Maggie France Ten (10%) Percent, Clint Anderson Ten (10%) Percent, all residents of Nashville, Tennessee at the time of the

 Charles Franklin McKelvey

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execution of this document. Should any of the devisees or legatees in this Part B) of Item IV predecease me, or other devisees or legates, their share shall be taken by the surviving issue of that particular devisee or legatee. If there is no surviving issue of the predeceased devisee or legatee in Part (B) of Item IV then that share shall be divided equally among the surviving devisees or legatees listed in the above Part (B) of Item IV. Any unpaid debts owed to Charles Franklin McKelvey or Leta Frances Grubb McKelvey by any devisee or legatee shall be included as assets in the estate and then deducted from said devisee's or legatee's share. If any indebtedness exceeds devisee's or legatee's share then the excess shall be forgiven except any indebtedness that is secured by a deed of trust on real property.

(C) If any person, legatee or devisee shall directly or indirectly contest or dispute any provision of this Will, either before a probate court, or before any judicial body, that this is not my Last Will and Testament, or call in question before any court or tribunal the provisions of any legacy, devise or provision herein, then I revoke all provisions in this Will made in his or her behalf and declare the same void and of no effect and

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give said legacy, devise or provision so revoked roportionately to the remaining beneficiaries.

ITEM V

I hereby name, nominate and appoint by wife, Leta Frances Grubb McKelvey, as Executrix of my estate and direct that she be permitted to serve without the posting of any Bond. If she is unable or unwilling to serve, or predecease me, then I name and appoint Barry Lee Delzell a resident of Charlotte, North Carolina at the time of the execution of this document as Executor of my estate. If he is unable or unwilling to serve then I name and appoint Steven Anderson a resident of Nashville, Tennessee at the time of the execution of this document as Executor of my estate. I request that my Executrix or Executor be permitted to serve without the posting of any Bond, and ask that they serve at a fee not to exceed Ten Thousand ($10,000.00) Dollars. Any attorneys or accountants fees shall be a separate cost of administration.

I authorize my said Executrix/Executor to do any and all things including the sale of real property which, in his or her opinion, are necessary to complete the administration and settlement of my estate.

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My Executrix/Executor, in fixing the date for the valuation of the property for Federal estate tax purposes, shall be guided by consideration of the net best interests of my estate and the beneficiaries of my estate, and their decision on this matter shall be conclusive and binding on all concerned, whether or not the lower valuation date is selected. THIS WILL consists of nine pages, including the attestation clause and affidavit each bearing my original signature. IN WITNESS WHEREOF, I have hereunto subscribed my name this 22nd of Sept, 2004.

Charles Franklin McKelvey

CHARLES FRANKLIN McKELVEY, TESTATOR

ATTESTATION CLAUSE

The foregoing instrument was signed, published and declared by the said CHARLES FRANKLIN McKELVEY as and for his Last Will and Testament in the joint sight and presence of the undersigned who, at his request and in his sight and presence, and in the sight and presence of other, have hereunto subscribed their names as attesting witnesses on the day and year last above written.

 Charles Franklin McKelvey

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Witness Jon C. Baker
1608 Graybar Ln
Nashville, TN 37215

WITNESS Robert Brown
5241 Russell Road
Franklin, TN 37064

AFFIDAVIT

STATE OF TENNESSEE

COUNTY OF DAVIDSON

We, the undersigned, being first duly sworn, make oath that Charles Franklin McKelvey, on this day and date above written, declared and signified to us that this instrument is his Last Will and Testament; that he then signed said instrument in our sight and presence; that we, at his request and in his sight and presence, and in the sight and presence of each other, then subscribed our names thereto as attesting witnesses; that at the time of execution the Testator was more than eighteen (18) years of age, of sound mind and disposing memory, and did not appear under any undue influence; and that the undersigned, each being more than eighteen (18) years of age, make and sign this Affidavit at the Testator's request on the day and date above written.

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witness for C. Baby
Janice Boone / Notary
WITNESS Robert Barnes

Signed and sworn to before me this 22nd day of Septem, 2004.

Notary

Janice Boone

My commission expires

8-25-2007

JANICE BOONE
NOTARY PUBLIC AT LARGE
SUMNER CO., TENN.

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 04 day of FEBRUARY , 2010 , in Case Number 10P144 between DELZELL, BARRY LEE ET.AL Petitioner, and MCKELVEY, CHARLES FRANKLIN 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 02 day of NOVEMBER 2012

RICHARD R. ROOKER, Clerk,

By _____ Deputy Clerk

SEAL