Copy

FILED
2012 MAY -2 AM 11:14
RICHARD R. ROOKER, CLERK
D.C.

Last Will and Testament

OF

FRANCES JOAN EANES

I, FRANCES JOAN EANES, a resident of and being domiciled in Davidson County, Tennessee, being of sound mind and disposing memory, do hereby make, declare and publish this to be my Last Will and Testament, and I do hereby revoke all wills and codicils made by me at any time heretofore. I am married to H. RAY EANES, and we have two (2) daughters, DAWN E. WRIGHT and KELLYE E. KNIGHT.

ARTICLE I

1. Appointment of Executor. I nominate and appoint my spouse, H. RAY EANES, to serve as Executor of this Will and of my estate. If my spouse shall not survive me, or if he shall fail to qualify as Executor hereunder for any reason or having qualified shall die or resign, then in such event I nominate and appoint my daughters, DAWN E. WRIGHT and KELLYE E. KNIGHT as alternate or successor Co-Executrix, as the case may be, of this Will and my estate. Any reference herein to Executor or Co-Executrix shall be deemed to include the other and be a reference to whomever of the above shall be serving in such capacity.

2. I direct that no bond shall be required of my Executor for the faithful performance of duties in such capacity.

ARTICLE II

1. Payment of Debts. I direct my Executor to pay all of my just debts, (except debts secured by mortgages or other security instruments, which may be paid off or retained in the discretion of my Executor), funeral expenses, expenses of administration, and any and all inheritance, income and estate taxes imposed by any taxing authority, as soon as practicable after my death.

2. Powers of Executor. I hereby authorize and empower my Executor to exercise the powers set forth in paragraphs 1 through 32, inclusive, of Section 35-50-110 of the Tennessee Code Annotated, to the extext applicable, all of which provisions and powers are incorporated herein by reference.

BILL GARRETT, Davidson County
Trans:T20120096251 WILL
Recvd: 12/17/12 12:24 6 pgs
Fees:32.00 Taxes:0.00
20121217-0115991

Copy

3. Waiver of Inventory/Accounting. I expressly excuse my Executor from filing any inventory, interim accountings, and final accounting which might otherwise be required pursuant to applicable law unless such reports are specifically requested by any beneficiary.

ARTICLE III

Disposition of Tangible Personal Property. I may leave a list attached to my Will indicating that certain items of tangible personal property are to be distributed to beneficiaries designated on said list, and my Executor is directed to comply with the instructions contained therein, which list is incorporated herein by reference.

I hereby give, devise and bequeath all the furniture, furnishings, household goods, silverware, china and ornaments, all of my clothing, jewelry, personal effects, automobiles, and all other tangible personal property not otherwise specifically bequeathed owned by me at the time of my death, to my spouse, H. RAY EANES if he shall survive me.

If my spouse does not survive me, the properties given to my spouse by this paragraph shall go to my children, equally, with the issue of any deceased beneficiary representing his or her parent, per stirpes. My Executor may distribute the share of any minor beneficiary to such beneficiary, or to the person with whom such beneficiary is residing. If in the discretion of my Executor any of such property is not suitable for delivery, my Executor may retain such property in safekeeping for future delivery or may sell such property and add the proceeds to my residuary estate.

ARTICLE IV

After satisfying all the bequests and devises hereinabove made, and after the payment of all death taxes as hereinabove provided, I give all the rest and residue of my property, real, personal or mixed, of whatever kind and character and whersoever situated to my spouse, H. RAY EANES, if he shall survive me. If my spouse does not survive me, then I give all the rest and residue of my property, real, personal or mixed, of whatever kind and character and wheresoever situated, to the Trustee of the Family Trust, as previously established under my spouse's Will, to be added to such Trust and to be held, administered and distributed in accordance with the terms of my spouse's Will which pertain to said Trust. If the Family Trust is not then in existence or if this bequest is otherwise invalid or

Copy

ineffective, then I give my entire residuary estate to my children, in equal shares, with the issue of any deceased beneficiary representing his or her parent, per stirpes.

ARTICLE V

Unless otherwise clearly indicated, words in the singular or plural shall include the plural and singular respectively, where they would so apply. Words in the masculine or neuter gender shall include the feminine, masculine or neuter gender where applicable.

ARTICLE VI

Provision for Children. I have purposely made no provision except for the contingent bequest in Article III, of this my Last Will and Testament for any of my children, inasmuch as they will be provided for under the terms of the Trust Agreement mentioned in Article IV hereof.

ARTICLE VII

1. Miscellaneous. If my spouse and I shall die under such circumstances that there is not sufficient evidence to determine the order of our deaths, then I direct that it shall be presumed that I survived my spouse for purposes of this Will, and my estate shall be administered and distributed in all respects in accordance with this presumption that I survived him, regardless of any provision of law establishing a contrary presumption or requiring survivorship for a fixed period as a condition of taking property by inheritance.

2. Should any person whom I have nominated to serve wish to serve as Executor of this Will, and should the law of the state in which I died a resident thereof not permit that person to serve as the sole fiduciary in one or more of these capacities, then I direct that such nominated person shall have a right to name an individual, a resident of said jurisdiction, or a bank or trust company, qualified to act in a fiduciary capacity in said jurisdiction, to serve with him/her as Co-Executrix of this Will. To the extent permitted by law, I direct that no bond shall be required of any co-fiduciaries named pursuant to this Article.

Copy

3. Although my spouse and I are executing our Wills at or about the same time, there is not, nor has there been, a contract between us to make a mutual testamentary disposition of any property, and it is my intention that no such contract be inferred from the execution of wills which are similar in content. In the event that my spouse survives me, he shall have full power to execute codicils to his will, to revoke his will and to execute a later will making such disposition of his property as he may desire, in his sole discretion, including any or all of the property passing to him under the provisions of this Will.

IN WITNESS WHEREOF, I have hereunto subscribed my name to this, my Last Will and Testament, consisting of this and three (3) preceding typewritten pages, and for the purpose of indentification, I have initialed each such page, all in the presence of the persons witnessing it at my request on this the 4th day of September, 1990.

Frances Joan Eanes
FRANCES JOAN EANES, Testatrix

ATTESTATION

The said FRANCES JOAN EANES, being of sound mind and disposing memory, signed the foregoing instrument in our presence, as and for her Last Will and Testament, and signified and declared to us that same was her Last Will and Testament; and we, the undersigned, at her request, and in her presence and sight and in the presence and sight of each other, have subscribed our names hereto as attesting witnesses the day and date above written.

WITNESS:

Marissa P. Bucciller
Name

5210 Anchorage Dr.
Address

Nashville, TN 37220
City, State, Zip Code

WITNESS:

J H Robinson
Name

205 S. 12th St.
Address

Nashville TN 37206
City, State, Zip Code

Copy

AFFIDAVIT

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Marcia P. Bouchillon and J. H. Ackerman,

being severally duly sworn, depose and say that:

We are acquainted with FRANCES JOAN EANES, who executed this annexed Last Will and Testament, consisting of Five (5) typewritten pages, dated September 4, 1990, on that date at Nashville, Tennessee, by subscribing her name at the end thereof in the presence and sight of each of us.

At the time of subscribing said Will, FRANCES JOAN EANES declared the instrument so subscribed by her to be her Last Will and Testament, and we thereupon signed our names as witnesses at the end of said instrument at her request and in her presence and sight, and in the presence and sight of each other.

At the time of executing said Last Will and Testament, FRANCES JOAN EANES was over the age of eighteen years and in our opinion was of sound mind, memory and understanding and not under any restraint or in any respect incompetent to make a Last Will and Testament.

This affidavit is made at the request of the said FRANCES JOAN EANES.

The annexed Last Will and Testament was examined by the undersigned witnesses at the time this affidavit was made.

WITNESS:

Marcia P. Bouchillon
Name

WITNESS:

J. H. Ackerman
Name

SWORN TO AND SUBSCRIBED before me, this 4th day of September, 1990.

Kathleen E. Bond
NOTARY PUBLIC

My Commission Expires:

9-25-93

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 02 day of MAY , 2012 , in Case Number 12P699 between EANES, H.RAY Petitioner, and EANES, FRANCES JOAN 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 17 day of DECEMBER 2012

RICHARD R. ROOKER, Clerk,

By _____

Deputy Clerk

SEAL

RICHARD R. ROOKER
CIRCUIT COURT CLERK