THIS INSTRUMENT WAS PREPARED BY
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BILL GARRETT, Davidson County
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AFFIDAVIT OF HEIRSHIP

STATE OF TENNESSEE)
COUNTY SUMNER)

The undersigned disinterested parties, Vicki York, of Goodlettsville, Tennessee, and Frances Lawhon, of Hendersonville, Tennessee, being first duly sworn according to law, declare, as follows:

1) We are over the age of 18 years and have personal knowledge of the following facts.

2) We have known the Dutton family for over fifty years.

3) Mr. Robert Dutton and his wife, Louise Dutton, had three children, namely Connie E. Dutton, Robert W. Dutton and Nancy G. Donaldson. Neither Mr. Robert Dutton nor Mrs. Louise Dutton had any other children.

4) All three of the Dutton children are adults and are living at the time of execution of this Affidavit.

5. Husband, Robert W. Dutton and wife, Louise Dutton, owned the subject property, described hereinafter, as tenants-by-the entirety.

6. Robert W. Dutton passed away on May 8, 1968, and the subject property passed, by operation of law, to Louise Dutton.

7. Louise Dutton passed away, testate, on March 27, 2012, however, there was no necessity to probate her estate, as there were no debts or assets, other than the real property located at 720 Cheryl Avenue, Madison, Tennessee, therefore there was no estate to probate.

8. A copy of Louise Dutton's Last Will and Testament, and First Codicil thereto, are attached as Exhibit #1.

9. Connie E. Dutton, Robert W. Dutton and Nancy G. Donaldson, are the only children, born to Robert W. Dutton and Louise Dutton, and they are the only beneficiaries under Louise Dutton's Last Will and Testament.

10. The Affidavit of Heirship is freely given, pursuant to Section 30-2-712, *et seq.*, Tenn. Code Ann., to help establish and reflect the heirship, with respect to any real or personal property, owned by Robert W. Dutton and Louise Dutton in Davidson County, Tennessee, or elsewhere, and particularly to confirm the vesting of title to certain real property in Davidson County, Tennessee, described as follows:

> BEING lot No. 21 of block "B" on the Revised Map of Rainbow Terrace Subdivision, of record in book 1130, page 85, Register's Office for said County.
> Said lot No. 21 fronts 50 feet on the southerly side of Cheryl Avenue, formerly Avondale Avenue and runs back between parallel lines 145 feet to a dead line.
>
> Being the same property conveyed to Robert W. Dutton and wife, Louise Dutton by deed from R.R.Mincy and wife Miriam Mincy, of record in Book 1494, Page 9, said Register's office.
>
> Restrictive covenants of record in book 1380, page 88, Register's Office for Davidson County, Tennessee.
>
> and
>
> Being Lot No. 20, Block "B" on the Map of Rainbow Terrace Subdivision, as of record in Book 843, page 9, Register's Office for said County, and shown on a Revised Map of a part of said Subdivision, made April 27, 1946, by Lewis D. Justice, Surveyor, not of record, to which plan reference is here made for a more complete description.
>
> Being the same property conveyed to Robert W. Dutton and wife, Louise Dutton by deed from R. R. Mincy and wife Miriam Mincy, of record in Book 2438, page 47, said Register's Office.

Executed by each affiant on the date set forth below.

Vicki York
Vicki York

Dec. 26, 2012.
Date

Frances Lawhon
Frances Lawhon

Dec. 26, 2012
Date

STATE OF TENNESSEE)
COUNTY OF SUMNER)

Personally appeared before me, the undersigned, a Notary Public in and for said county and state, Vicki York with whom I am personally acquainted, and who acknowledged that she executed the within instrument for the purposes therein contained and, further, who subscribed to such instrument and swore to the matters therein contained before me under oath.

Witness my hand, at Hendersonville, Tennessee, this 26 day of December, 2012.

REBECCA C. ELI STATE OF TENNESSEE NOTARY PUBLIC SUMNER COUNTY

Notary Public

My Commission Expires: 6-18-2013

STATE OF TENNESSEE)
COUNTY OF SUMNER)

Personally appeared before me, the undersigned, a Notary Public in and for said county and state, Frances Lawhon with whom I am personally acquainted, and who acknowledged that she executed the within instrument for the purposes therein contained and, further, who subscribed to such instrument and swore to the matters therein contained before me under oath.

Witness my hand, at Hendersonville, Tennessee, this 26 day of December, 2012.

REBECCA C. ELI STATE OF TENNESSEE NOTARY PUBLIC SUMNER COUNTY, TN

Notary Public

My Commission Expires: 6-18-2013

EXHIBIT TO AFFIDAVIT OF HEIRSHIP

LAST WILL AND TESTAMENT

And

FIRST CODICLE TO THE LAST AND TESTAMENT

Last Will and Testament

OF

MARTHA LOUISE DUTTON

I, MARTHA LOUISE DUTTON, a resident of Davidson County, Tennessee, being of sound mind and disposing memory, do make, publish and declare this to be my Last Will and Testament, hereby revoking any prior Wills or Codicils thereto made by me.

I

I direct that my Executor, hereinafter named, pay all of my just debts, including the expense of my last illness and burial and cost of administration of my estate, out of my general estate as soon as practical after my death, without proration among the beneficiaries.

II

I bequeath to my daughter, CONNIE EVELYN DUTTON, my cherry bedroom suit and my antique library table.

III

I bequeath to my daughter, NANCY GRACE (DUTTON) DONALDSON, my crystal glassware.

IV

I bequeath to my son, ROBERT WAYNE DUTTON, my china and silverware.

Martha Louise Dutton
TESTATRIX

V

I give, devise and bequeath all the rest, remainder and residue of my estate, real, personal and mixed, tangible and intangible, of whatsoever kind and wheresoever situated, to my children, CONNIE EVELYN DUTTON, ROBERT WAYNE DUTTON, and NANCY GRACE (DUTTON) DONALDSON, per stirpes, share and share alike.

VI

I hereby nominate and appoint my son, ROBERT WAYNE DUTTON, as Executor of this my Last Will and Testament, and relieve him of making bond for the performances of his duties thereas.

IN WITNESS WHEREOF, I, MARTHA LOUISE DUTTON, have to this, my Last Will and Testament, set my name on this the 7th day of 13th, 1979.

Martha Louise Dutton
MARTHA LOUISE DUTTON

Martha Louise Dutton
TESTATRIX

The foregoing instrument consisting of four (4) pages, was signed, published and declared by the Testatrix, MARTHA LOUISE DUTTON, to be her Last Will and Testament in the presence of all of us at one and the same time, and we at her request and in her presence and in the presence of each other, have hereunto subscribed our names as witnesses, and we do hereby attest to the sound and disposing mind of said Testatrix and to the performance of the aforesaid act of execution on this 13th day of March, 1979.

WITNESS:

Cindy Finch
Name

908 Woodlake Dr.
Address

Madison, TN 37115
City/State

WITNESS:

Anna Jean Coates
Name

103 Pleasant View Drive
Address

Hendersonville, Tenn. 37075
City/State

STATE OF TENNESSEE)
COUNTY OF SUMNER)

AFFIDAVIT

Cindy Smith and Helen Jean Crowell being duly sworn according to law, depose and say:

1. That they are adult citizens of Sumner County, Tennessee.

2. That they witnessed the execution of the Last Will and Testament of MARTHA LOUISE DUTTON, dated March 13, 1977, to which this affidavit is attached, and that this affidavit is being made at the request of the Testatrix, and in accordance with Tennessee Code Annotated, Section 32-211.

3. That their signatures are affixed to said Last Will and Testament, that they signed or affixed the same at the instance and at the request of the Testatrix and in her presence, and in the presence of each other, at the place and on the date recited in said Last Will and Testament.

4. That the Testatrix signed said paper writing as and for her Last Will and Testament in their sight and presence.

5. That at the time they witnessed said Will, the Testatrix was, in their opinion, of sound mind.

Cindy Smith
Witness

Helen Jean Crowell
Witness

Sworn to and subscribed before me,
this 13th day of March, 1979.

NOTARY PUBLIC

My Commission Expires: 7-29-81

COPY

FIRST CODICIL
TO THE LAST WILL AND TESTAMENT
OF
MARTHA LOUISE DUTTON

I, **MARTHA LOUISE DUTTON**, of Sumner County, Tennessee, having heretofore made and published my Last Will and Testament executed on March 13, 1979, declare this as my First Codicil thereto, to-wit:

ARTICLE I

This Codicil is specifically intended to amend my Last Will and Testament, executed on March 13, 1979 in Hendersonville, Sumner County, Tennessee.

ARTICLE II

This Codicil is to delete the provisions set forth in Article VI of my Last Will and Testament, and to insert the following language instead:

> I hereby nominate and appoint my daughter, **CONNIE EVELYN DUTTON**, and my son, **ROBERT WAYNE DUTTON**, to serve as Co-Executors of this my First Codicil to my Last Will and Testament, without the requirement of bond or surety. I further waive the filing of any accountings and inventories with the Court.

I hereby ratify, republish and reaffirm my said Last Will and Testament in all respects **except as modified by this my First Codicil thereto.**

IN WITNESS WHEREOF, I have executed this my First Codicil to my Last Will and Testament at Hendersonville, Sumner County, Tennessee, on this the 20 day of November, 2007.

Martha Louise Dutton
MARTHA LOUISE DUTTON
Testator

ATTESTATION CLAUSE

Signed, sealed, published and declared by the Testator, **MARTHA LOUISE DUTTON,** her First Codicil to her Last Will and Testament in the presence of all of us at one and the same time, and we, at her request and in her presence and in the presence of each other, have hereunto subscribed our names as witnesses, and we do hereby attest to the sound and disposing mind of said Testator and to the performance of the aforesaid act of execution at the place and on the date hereinabove set out.

WITNESSES:

Rebecca C. Eli — 209 Shiloh Drive, Hendersonville, Tn 37075

Leon Blackwell — 209 Shiloh Dr., Hendersonville, TN 37075

AFFIDAVIT OF WITNESSES TO PROVE FIRST CODICIL TO MY LAST WILL AND TESTAMENT

Rebecca C. Eli and [illegible] after being duly sworn according to law, depose and say;

1. That they are adult citizens of Sumner County, Tennessee.

2. That they witnessed the execution of this First Codicil to the Last Will and Testament of **MARTHA LOUISE DUTTON** dated 11-20, 2007, to which this Affidavit is attached, and that this Affidavit is being made at the request of the Testator.

3. That their signatures are affixed to said First Codicil to the Last Will and Testament, that they signed or affixed their name at the instance and at the request of the Testator and in her presence, and in the presence of each other, at the place and on the date recited in said First Codicil to the Last Will and Testament.

4. That the Testator signed said paper writing as and for her First Codicil to her Last Will and Testament in their sight and presence.

5. That at the time they witnessed said Will, the Testator was, in their opinion, of sound mind, and under no constraint or undue influence.

Rebecca C. Eli
WITNESS

[illegible]
WITNESS

STATE OF TENNESSEE
COUNTY OF SUMNER

Subscribed and Sworn to me this 20th day of November, 2007.

DEBRAH K. FRIZZELL NOTARY PUBLIC SUMNER

Notary Public

My Commission Expires: 9-19-11

This Instrument Was Prepared By:
DEBRAH K. FRIZZELL
Frizzell & Frizzell, P.L.L.C.
Attorneys-at-Law
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