File Box 9-B

BILL GARRETT, Davidson County
Trans:T20130016143 AFFIDAVIT
Recvd: 02/27/13 09:51 6 pgs
Fees:32.00 Taxes:0.00
20130227-0019422

This instrument prepared by:
Mudter & Patterson, Attys.
2000 Richard Jones Road, Suite 110
Nashville, TN 37215

AFFIDAVIT IN FURTHERANCE OF TITLE

THIS AFFIDAVIT executed on this 25th day of February, 2013, by Margaret Ann Patton Warner (hereinafter referred to as "Affiant").

RECITALS:

WHEREAS, Martha S. Roesch died testate in Davidson County, Tennessee, on the 11th day of February, 1956, and, under her will, of record in Will Book 68, page 445, of the County Court for Davidson County, Tennessee, devised her property, including certain real estate, to her two daughters, Anna Roesch Foutch and Margaret Roesch Patton, and to her husband, John C. Roesch; and

WHEREAS, Anna Roesch Foutch, Margaret Roesch Patton and John C. Roesch executed a deed which is recorded in Book 2601, page 348, Register's Office for Davidson County, Tennessee, in order to vest fee simple title to the real property owned by Martha S. Roesch in their individual names; and

WHEREAS, in the aforedescribed deed, John C. Roesch and Anna Roesch Foutch conveyed inter alia to Margaret Roesch Patton their interests in the parcels described in Exhibit "A" hereto (the "Patton Property"); and

WHEREAS, Margaret Roesch Patton (the "Decedent") died testate on February 24, 1973, leaving a Last Will and Testament dated February 3, 1973, and probated on March 5, 1973, in the Davidson County Probate Court (the "Will"); and

WHEREAS, the Decedent devised to her husband, John E. Patton, property in an amount equal to the marital deduction under the federal estate tax law; and

WHEREAS, the residue of the Decedent's estate was devised to her daughters, Sarah Patton Tate and Affiant; and

WHEREAS, subsequent to the probate of her will, John E. Patton, Sarah Patton Tate and Affiant entered into a Deed of Division (the "Deed"), which is recorded in Book 4753, page 1, Register's Office for Davidson County, Tennessee, in order to vest fee simple title to various properties owned by Decedent in their individual names; and

WHEREAS, through inadvertence and mistake, Parcel No. 2 of the Patton Property (the "Parcel") was omitted from the description in the Deed of property conveyed to Sarah Patton Tate; and

WHEREAS, the Patton Property including the Parcel has been used as a single tract since the recording of the Deed.

NOW, THEREFORE, Affiant hereby states and affirms as follows:

1. That it was the intention of all parties to the Deed that fee simple title absolute to the Parcel be vested in Sarah Patton Tate.

2. That Affiant has no claim to any interest in the parcel and does herby release, quitclaim and remise any such interest to the heirs and assigns of Sarah Patton Tate.

3. That John E. Patton died testate on December 27, 2001, leaving a Last Will and Testament dated May 13, 1986, to which a codicil dated August 27, 1991, was made, which was probated on February 13, 2002.

4. That Rita G. Patton, surviving spouse of John E. Patton, pursuant to an Agreed Order, a copy of which is attached hereto as Exhibit "B", took an elective share of the estate of John E. Patton, thereby waiving any interest she might have in and to all other property interests in property owned by John E. Patton.

5. That Affiant as Executrix of the Estate of John E. Patton has no claim to any interest in the Parcel and does hereby release, quitclaim and remise any such interest to the heirs and assigns of Sarah Patton Tate.

Further Affiant saith not.

Margaret Ann Patton Warner

Margaret Ann Patton Warner

STATE OF TENNESSEE
COUNTY OF DAVIDSON

Subscribed and sworn to before me this 25th day of February, 2013.

Notary Public for the State of Tennessee

My commission expires _____

GEORGE E. MUDTER, JR. STATE OF TENNESSEE NOTARY PUBLIC DAVIDSON COUNTY, TENN.

My Commission Expires MAY 3, 2016

STATE OF TENNESSEE
COUNTY OF DAVIDSON

Personally appeared before me, the undersigned Notary Public, in and for the said county and state, the within named Margaret Ann Patton Warner, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that she executed the within instrument for the purposes therein contained.

Witness my hand and official seal at office this 25th day of February, 2013.

Notary Public for the State of Tennessee

My commission expires _____

GEORGE E. MUDTER, JR. STATE OF TENNESSEE NOTARY PUBLIC DAVIDSON COUNTY, TENN.

My Commission Expires MAY 3, 2016

Exhibit "A"

Land in Davidson County, Tennessee, being parts of Lots Nos. 136 and 137 on the Plan of the Boyd Home Tract, as of record in Book 21, page 39, Register's Office for Davidson County, Tennessee, and more particularly described as follows:

Parcel No. 1:

Said part of Lot No. 136 is described as follows:

Beginning on the southerly margin of West End Avenue, at a point 200 feet west of the westerly margin of 17th Avenue South, formerly Williams Avenue; thence with the southerly margin of West End Avenue westwardly 50 feet, more or less, to the dividing line between Lots Nos. 136 and 137; thence with said line, southwardly 239 feet, more or less, to the northerly margin of Broadway, formerly Broad Street; thence with same, eastwardly 52 feet, more or less, to the westerly line of the property formerly owned by Mrs. M. L. Doaks; thence with said line, northwardly 226 feet, more or less, to the beginning.

Said part of Lot No. 137 is described as follows:

Beginning on the southerly margin of West End Avenue at the dividing line between Lots Nos. 136 and 137; thence with said Avenue, westwardly 50 feet; thence at right angles, southwardly 140.7 feet, more or less, to the northerly margin of an alley; thence with said alley, eastwardly 50 feet to the line between Lots Nos. 136 and 137; thence with said line, northwardly 139 feet 7 inches, more or less, to the beginning.

Parcel No. 2:

Being part of Lot No. 137 on the plan of the Boyd Home Tract, as of record in Book 21, page 39, Register's Office for Davidson County, Tennessee, and more particularly described as follows:

Beginning at a point on the northerly margin of Broadway, formerly Broad Street, the common corner of Lots Nos. 136 and 137; thence with the line between said two lots, northwardly 88.4 feet to the northerly margin of what was formerly a private alley; thence with the northerly margin of said former alley, westwardly 50 feet; thence southwardly 103.5 feet to the northerly margin of Broadway; thence with the same, eastwardly 52 feet 2 inches to the beginning.

Exhibit "B"

Copy

IN THE SEVENTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
PROBATE DIVISION

FILED
2002 SEP 12 AM 11 51
RICHARD R. ROOKER, CLERK
D.C.

IN RE: Estate of John E. Patton
Deceased

No. 02P-80

AGREED ORDER

This cause came before the Court, the Honorable Frank G. Clement, Jr., Judge, upon the Petition filed March 20, 2002, by Rita G. Patton, the surviving spouse of the decedent, John E. Patton, for establishing her elective share of the decedent's estate, for setting aside exempt property, and for year's support.

Now come Rita G. Patton, by and through her counsel, Baker, Donelson, Bearman & Caldwell, P.C., and the Estate of John E. Patton through Margaret Ann Warner, executrix, by and through her counsel, Corbett, Crockett & Leckrone, and agree as follows:

1. Rita G. Patton is the surviving spouse of John E. Patton. Rita G. Patton has elected to take against the will of John E. Patton, previously probated in this Court. Pursuant to T.C.A. § 31-4-101(a)(1), the elective share percentage is 40% of the net estate.

2. Margaret Ann Warner, as executrix of the Estate of John E. Patton has fully disclosed pursuant to T.C.A. § 31-4-103 the state and condition of John E. Patton's estate. Rita G. Patton is in receipt of such information.

3. Rita G. Patton, as the decedent's surviving spouse, and Margaret Ann Warner as executrix of the Estate of John E. Patton, have taken into account all relevant matters and have been able to agree upon the cash sums and other items which Rita G. Patton is to receive from the estate of the decedent. Such sums are determined pursuant to T.C.A. § 31-04-101 et seq., T.C.A. § 30-2-102 and T.C.A. § 30-2-101. The amounts, if any, by which the gross estate as finally determined for federal estate and Tennessee inheritance tax purposes exceeds the values disclosed pursuant to T.C.A. § 31-4-103, shall be paid in pro rata fashion to Rita G. Patton consistent with the calculations used to arrive at the sums agreed to hereinbelow.

WHEREFORE, the Court being fully apprised of the premises, it is therefore, ORDERED, ADJUDGED and DECREED by the Court that the petition of Rita G. Patton is approved and that Margaret Ann Warner, executrix, shall promptly transfer, distribute, or pay

over to Rita G. Patton from the Estate John E. Patton, the following so that title thereto will be vested only in Rita G. Patton:

1. As the Elective Share: all right, title and interest to real property commonly known as 6107 Elizabethan Drive, Nashville, Tennessee 37205, owned by the decedent at his death; and the cash sum of $188,967.00, less any cash advancements heretofore made to or for the benefit of Rita G. Patton. The elective share amount payable to the surviving spouse by the estate pursuant to T.C.A. § 31-4-101(c) is $568,967.00.

2. As Exempt Property: all of the furniture, furnishings and items of tangible personal property on or about the property located at 6107 Elizabethan Drive, Nashville, Tennessee 37205.

3. As Year's Support: The cash sum of $58,000.00.

IT IS SO ORDERED.

Date: Sept 12 2002

JUDGE FRANK G. CLEMENT, JR.

APPROVED FOR ENTRY:

Carolyn W. Schott (#021811)
BAKER, DONELSON, BEARMAN &
CALDWELL
211 Commerce Street
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(615) 726-7312
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Attorneys for Petitioner Rita G. Patton

James David Leckrone
3100 West End Avenue
Suite 1050
Nashville, Tennessee 37398
(615) 292-8300
(615) 383-5556 (facsimile)

Attorney for Executrix, Margaret Ann Warner

Copy

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been mailed, postage prepaid, to:

James David Leckrone
Attorney for Executrix
3100 West End Avenue
Suite 1050
Nashville, Tennessee 37398

W. Carl Spining, Esq.
Attorney for Executrix
200 4th Avenue, North
3rd Floor, Noel Place
P.O. Box 198985
Nashville, TN 37219-8985

Rita Patton
6107 Elizabethan Road
Nashville, TN 37205

Margaret Ann Patton Warner
3728 West End Avenue
Nashville, TN 37205

Randy Tate
2336 Gideon Road
Greenbrier, TN 37073

Princess Tate
2336 Gideon Road
Greenbrier, TN 37073

Margaret Ann Warner Barnhart
2226 Union Avenue, NE
Minerva, OH 44657

Treglown Patton Warner
4407 Hunt Place
Nashville, TN 37215

Mark Monroe Warner
1900 Beechwood
Nashville, TN 37212

on this 6th day of September, 2002.

CAROLYN W. SCHOTT