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IN THE SEVENTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

FILED

PROBATE DIVISION

2013 FEB 20 PM 3:30

IN RE: ESTATE OF ANNIE M. ASKINS) Docket No.: 95049

RICHARD R. ROOKER, CLERK

K Lemmon D.C.

ORDER

This cause came on to be heard on 1st day of February 2013, before the Honorable Randy Kennedy, Judge of the Seventh Circuit Court for Davidson County, upon Motion of Michael M. Castellarin, Successor Trustee of the Annie M. Askins Testamentary Trust to allow the sale of real property. Present in court were Michael M. Castellarin, Successor Trustee of the Annie M. Askins Testamentary Trust; Jon S. Jablonski, Counsel for Exie Davis; Peggy Mathes, administrator CTA for the Estate of Annie Askins; and Karl Warden, Counsel for the Bomer heirs. Upon consideration of the Motion, the responses to the Motion filed by Exie Davis and the Bomer Heirs, argument of Counsel, and the entire record herein, the Court finds that the property should not be sold at this time. Upon further argument of Counsel, and upon the representations and assurances of Mr. Warden that Mr. Calvin Bomer has no felony convictions; that Mr. Calvin Bomer has not filed for protection under the bankruptcy laws of the United States of America; that if Mr. Calvin Bomer is allowed to serve, he will not charge the trust a fee for serving as Successor Trustee; that if Mr. Calvin Bomer is allowed to serve, he is willing and able to advance the costs necessary to insure and preserve the property, thus eliminating the need for the expense of the Successor Trustee, Mike Castellarin, who without selling the property does not have the wherewithal to advance the costs necessary to insure and preserve the property; the court further finds as follows:

BILL GARRETT, Davidson County
Trans:T20130061243 ORDER
Recvd: 07/18/13 11:11 5 pgs
Fees:27.00 Taxes:0.00
20130718-0074312

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1) Michael M. Castellarin, Successor Trustee of the Annie M. Askins Testamentary Trust, shall be replaced by Calvin Bomer, who will be appointed Successor Trustee of the Annie M. Askins Testamentary Trust, and who will serve without compensation;

2) If the Successor Trustee, Calvin Bomer, commits a felony or files for protection under the Bankruptcy Laws of the United States of America at any time, he will notify the Court immediately and will resign as Successor Trustee;

3) The Trustee shall keep reasonable and adequate insurance on the premises located at 722 Rowan Drive, Nashville, TN at all times;

4) The successor trustee shall keep a record of the out-of-pocket costs and expenses incurred in insuring and preserving the property and may seek reimbursement for those expenses at the appropriate time;

5) There will be a separate Order entered restricting the ability of the Successor Trustee, or any beneficiary, to encumber, sell, mortgage, transfer, or otherwise impair or hinder the ability of this Court to bring the trust *res* back to Court in order to pay for any cost or judgment, and the aforesaid separate Order shall be made in recordable form and shall be recorded with the Register of Deeds for Davidson County, Tennessee.

It is, therefore, **ORDERED, ADJUDGED,** and **DECREED** that the Motion to Allow Sale of Real Property filed by Michael Castellarin, Successor Trustee of the Annie M. Askins Testamentary Trust is denied.

It is further **ORDERED** that Michael M. Castellarin, Successor Trustee of the Annie M. Askins Testamentary Trust, shall be replaced by Calvin Bomer, who will be appointed Successor Trustee of the Annie M. Askins Testamentary Trust, and who will serve without compensation.

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It is further **ORDERED** that if the Successor Trustee, Calvin Bomer, commits a felony or files for protection under the Bankruptcy Laws of the United States of America at any time, he will notify the Court immediately, and he will resign as Successor Trustee.

It is further **ORDERED** that the Trustee shall keep reasonable and adequate insurance on the premises located at 722 Rowan Drive, Nashville, TN at all times.

It is further **ORDERED** that the successor trustee shall keep a record of the out-of-pocket costs and expenses incurred in insuring and preserving the property, and he may seek reimbursement for those expenses at the appropriate time.

It is further **ORDERED** that there will be a separate Order entered restricting the ability of the Successor Trustee, or any beneficiary, to encumber, sell, mortgage, transfer, or otherwise impair or hinder the ability of this Court to bring the trust *res* back to Court in order to pay for any cost or judgment, and the aforesaid separate Order shall be made in recordable form and shall be recorded with the Register of Deeds for Davidson County, Tennessee.

All other matters are reserved.

ENTER this the 20 day of February 2013.

RANDY KENNEDY, JUDGE

APPROVED FOR ENTRY:

Jon S. Jablonski, #10003
2400 Crestmoor Road, Suite 315
Nashville, TN 37215
(615) 386-7164

Attorney for Exie Davis

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Order was mailed to the following on the 8 day of February 2013:

Karl D. Warden, Esq.
Attorney for the Bomer Heirs
214 Second Avenue, North
Suite 103
Nashville, TN 37201

Michael Castellarin, Esq.
95 Whitebridge Road
Suite 509
Nashville, TN 37205-1427

Peggy Mathes, Esq.
Administrator CTA
20 Academy Place
Nashville, TN 37210

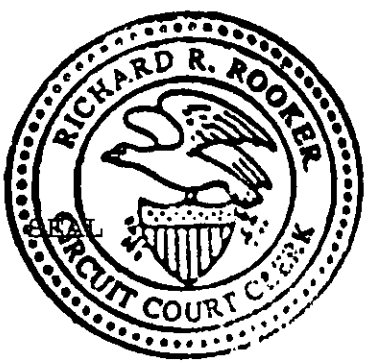
Jon S. Jablonski, #10003

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 ORDER heretofore entered in the SEVENTH Circuit Court for Davidson County, Tennessee, on the 20 day of FEBRUARY , 2013 , in Case Number 95049 between BOMER, ROBERT ET.AL Petitioner, and ASKINS, ANNIE M. 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 13 day of JUNE 2013

RICHARD R. ROOKER, Clerk,



By _____

Deputy Clerk