Copy

13D 1373

FILED
SEP 25 2013
RICHARD R. ROOKER Clerk
By Deputy

BILL GARRETT, Davidson County
Trans:T20130090471 WILL
Recvd: 10/21/13 14:57 7 pgs
Fees:37.00 Taxes:0.00
20131021-0109745

LAST WILL AND TESTAMENT OF LOUISE AUSTIN BEARD

IDENTITY

I, Louise Austin Beard, residing in the County of Davidson, State of Tennessee, being of sound mind and memory, and not acting under duress or undue influence of any person whomsoever, hereby declare this to be my Last Will and Testament, and I do hereby revoke all other and former Wills and Codicils to Wills heretofore made by me.

All reference made herein to "spouse" or to "my spouse" refers to the person to whom I am currently married, namely, Charles Macy Beard.

My child is Lisa Ann Kinnie.

PERSONAL AND HOUSEHOLD EFFECTS

It is my intent that all my personal and household effects be transferred to my Living Trust as a result of the "ASSIGNMENT OF FURNITURE, FURNISHINGS AND PERSONAL EFFECTS" signed this date. If there is any question regarding the ownership or disposition of these assets, it is my desire that such assets pour into the Living Trust in accordance with the provisions of the section titled "Residue of Estate."

RESIDUE OF ESTATE

I give, devise and bequeath all the rest, residue and remainder of my property of every kind and description (including lapsed legacies and devises), wherever situated and whether acquired before or after the execution of this Will, to the Trustee under that certain Trust executed by me, which is known as "**The Beard Family Trust, dated** Oct-10, **2000, Charles Macy Beard and Louise Austin Beard, Trustors and/or Trustees.**" The Trustee shall add the property bequeathed and devised by this Item to the corpus of the above described Trust and shall hold, administer and distribute said property in accordance with the provisions of the said Trust, including any amendments thereto made before my death.

If for any reason the said Trust shall not be in existence at the time of my death, or if for any reason a court of competent jurisdiction shall declare the foregoing testamentary disposition to the Trustee under said Trust as it exists at the time of my death to be invalid, then I give all of my estate including the residue and remainder thereof to that person who would have been the Trustee under said Trust, as Trustee, and to their substitutes and successors under the Trust, as such trust is described hereinabove. Property held by the designated Trustees shall be held, managed, invested, reinvested and distributed by the Trustees upon the terms, trusts and conditions contained in said Trust pertaining to the period beginning with the date of my death.

© Copyright The Estate Plan® 2000 All Rights Reserved.

Copy

The terms, trusts and conditions shall be those as were constituted in said Trust (giving effect to amendments, if any, hereafter made) immediately prior to its state of non-existence or determination of invalidity, and for that purpose I do hereby incorporate such Trust by reference into this my Will.

PRIVACY OF TRUST

No Clerk of Court, Commissioner of Accounts, or other party (except my Executor, Personal Representative, or other Fiduciary of my Estate, and a Beneficiary of my Estate or Guardian or Fiduciary of such Beneficiary), dealing with a Trustee in relation to The Beard Family Trust, dated Oct. 10, 2000, Charles Macy Beard and Louise Austin Beard, Trustors and/or Trustees, will be obligated or privileged to see that the terms of the Trust have been complied with, to inquire into the authority, necessity or expediency of any act of a Trustee, or to inquire into any of the terms of the Trust, except when permitted by the Trustee.

EXECUTOR

I hereby nominate and appoint Charles Macy Beard, as Executor of this my Last Will and Testament to serve without bond.

In the event the first named Executor shall predecease me, or is unable or unwilling to act as my Executor for any reason whatsoever, then and in that event I hereby nominate and appoint Lisa Ann Kinnie to serve without bond as Executor (Co-Executors if more than one person).

When more than one person is named with others to act as Co-Executors and one of the named persons is unable or unwilling for any reason to serve or to continue to serve, and no additional persons are named herein to take the place of such declining or retiring Executor, I hereby direct that the remaining named Co-Executor(s) shall continue to serve as Co-Executors (or if one only remains, Executor) hereof without the approval of any court.

Whenever the word "Executor" or any modifying or substituted pronoun therefore is used in this my Will, such words and respective pronouns shall be held and taken to include both the singular and the plural, the masculine, feminine and neuter gender thereof, and shall apply equally to the Executor named herein and to any successor or substitute Executor acting hereunder, and such successor or substitute Executor shall possess all the rights, powers and duties, authority and responsibility conferred upon the Executor originally named herein.

© Copyright The Estate Plan® 2000 All Rights Reserved.

Copy

EXECUTOR POWERS

By way of illustration and not of limitation and in addition to any inherent, implied or statutory powers granted to Executors generally, my Executor is specifically authorized and empowered with respect to any property, real or personal, at any time held under any provision of this my Will: to allot, allocate between principal and income, assign, borrow, buy, care for, collect, compromise claims, contract with respect to, continue any business of mine, convey, convert, deal with, dispose of, enter into, exchange, hold, improve, incorporate any business of mine, invest, lease, manage, mortgage, grant and exercise options with respect to, take possession of, pledge, receive, release, repair, sell, sue for, make distributions in cash or in kind or partly in each without regard to the income tax basis of such asset and in general, exercise all of the powers in the management of my Estate which any individual could exercise in the management of similar property owned in its own right upon such terms and conditions as to my Executor may seem best, and execute and deliver any and all instruments and do all acts which my Executor may deem proper or necessary to carry out the purposes of this my Will, without being limited in any way by the specific grants of power made, and without the necessity of a court order.

My Executor shall have absolute discretion, but shall not be required, to make adjustments in the rights of any beneficiaries, or among the principal and income accounts to compensate for the consequences of any tax decision or election, or of any investment or administrative decision, that my Executor believes has had the effect, directly or indirectly, of preferring one beneficiary or group of beneficiaries over others. In determining the federal estate and income tax liabilities of my estate, my Executor shall have discretion to select the valuation date and to determine whether any or all of the allowable administration expenses in my estate shall be used as federal estate tax deductions or as federal income tax deductions and shall have the discretion to file a joint income tax return with my spouse.

GLOSSARY OF TERMS

For the purposes of this my Will, "children" means the lawful blood descendants in the first degree of the parent designated; and "issue" and "descendants" mean the lawful blood descendants in any degree of the ancestor designated; provided, however, that if a person has been adopted, that person shall be considered a child of such adopting parent and such adopted child and their issue shall be considered as issue of the adopting parent or parents and of anyone who is by blood or adoption an ancestor of the adopting parent or either of the adopting parents. The terms "child," "children," "issue," "descendant" and "descendants" or those terms preceded by the terms "living" or "then living" shall include the lawful blood descendant in the first degree of the parent designated even though such descendant is born after the death of such parent.

© Copyright The Estate Plan® 2000 All Rights Reserved.

Copy

SPECIFIC OMISSIONS - NO-CONTEST

I have intentionally omitted any and all persons and entities from this, my Last Will and Testament, except those persons and entities specifically named herein, and I have also intentionally omitted any and all persons and entities from this, my Last Will and Testament, who are not persons or entities specifically named in The Beard Family Trust, dated Oct. 10, 2000. It is my intention that any and all persons and entities, whether or not named in this Will or said Trust, shall have an interest in my estate and property, including the said Trust, if and only to the extent that I have provided for them in this Will and in the said Trust. If any person or entity shall challenge this Will or any term or condition hereof, or of the Living Trust to which I have herein made reference, or any term or condition thereof, then, to that person or entity I give and bequeath the sum of one dollar ($1.00) only in lieu and in place of any other benefit, grant, bequest or interest which that person or entity may have in my general and Probate Estate or the Living Trust and its Estate.

I specifically disinherit any person or persons claiming an interest in my estate through this, my Last Will and Testament, or through the previously named Trust, as my child, the issue of my body, who are born more than nine and one-half months after my death.

QUALIFIED TERMINABLE INTEREST ELECTION - TRUST B

I have established a Revocable Living Trust as part of my estate plan. I give my Executor of this, my Last Will and Testament, the authority to elect to treat all or a fractional share of the assets in Trust B as qualified terminable interest property. In addition, my Executor shall have the authority to make an election under any applicable state law to treat all or a fractional share of Trust B property (including a different fractional share than selected in any federal law election) as qualifying for any state law marital deduction.

SIMULTANEOUS DEATH

If my spouse should not survive me, but I die within sixty (60) days of my spouse's demise, then it shall be conclusively presumed for the purposes of this my Will that I predeceased my spouse.

If any other beneficiary should not survive me for sixty (60) days, then it shall be conclusively presumed for the purposes of this my Will that said beneficiary predeceased me.

© Copyright The Estate Plan® 2000 All Rights Reserved.

Copy

NO CONTRACTUAL AGREEMENT NOT TO REVOKE

Although at approximately the same time my husband and I are executing wills and a living trust containing provisions which are substantially the same, this shall not be interpreted as an agreement by either of us not to amend or revoke our wills or living trust without the consent of the other.

IN WITNESS WHEREOF, I have hereunto set my hand and declared this to be my Last Will and Testament this 10th day of Oct., 2000.

Louise Austin Beard
Louise Austin Beard

THE FOREGOING INSTRUMENT, including the pages signed by us as witnesses, was at the date hereof, by the testatrix signed as and declared to be her Last Will and Testament, in the presence, of us who, at her request and in her presence, and in the presence of each other, have subscribed our names as witnesses thereto. Each of us observed the signing of this Will by the testatrix and by each other subscribing witness and knows that each signature is the true signature of the person whose name was signed.

Each of us is now more than eighteen (18) years of age and a competent witness and may be located at the address set forth after each name.

We are acquainted with the testatrix. At this time, she is over eighteen (18) years of age and to the best of our knowledge, she is of sound mind and is not acting under duress, menace, fraud, misrepresentation, or undue influence.

We declare under penalty of perjury that the foregoing is true and correct.

EXECUTED on this 10th day of October, 2000, at Nashville, Tennessee.

B. McCay — Address 221 Fourth Ave North, Nashville, Tennessee

Anita J. Settle — Address 221 Fourth Ave, North, Nashville, Tennessee

© Copyright The Estate Plan® 2000 All Rights Reserved.

Copy

SELF-PROVING AFFIDAVIT

STATE OF TENNESSEE)
) ss.
COUNTY OF Davidson)

Barbara McCoy and Anita J. Settle, being duly sworn, do depose and say that they witnessed the preceding Will of Louise Austin Beard, dated October 10, ___, 2000 and subscribed the Will her presence, and in the presence of each other and at her request; that she appeared to be of full age and of sound and disposing mind and memory and competent to make testamentary disposition of real and personal property; that she voluntarily signed she Will and declared it to be her Last Will and Testament in the presence of the subscribing witnesses hereto; and that this affidavit is made at the request of the Testatrix.

Barbara McCoy

Anita J. Settle

Sworn to and subscribed before me this 10th day of October, 2000.

James C. Dale III
NOTARY PUBLIC

My Commission Expires:

5/26/02

© Copyright The Estate Plan® 2000 All Rights Reserved.

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 25 day of SEPTEMBER , 2013 , in Case Number 13P1373 between BEARD, CHARLES M. Petitioner, and BEARD, LOUISE A. 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 14 day of OCTOBER 2013

RICHARD R. ROOKER, Clerk,

By _____
Deputy Clerk

SEAL

