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LAST WILL AND TESTAMENT

OF

ETHEL NEWKIRK BURNETT

13P1620

FILED
OCT 30 2013
RICHARD R. ROOKER, Clerk
By Deputy

I, Ethel Newkirk Burnett, domiciled in Nashville, Davidson County, Tennessee, do make publish and declare this to be my last will and testament, hereby revoking all wills and codicils heretofore made by me.

ARTICLE I

DEBTS

I direct that all of my just debts, my funeral expenses (including the cost of a suitable monument at my grave), unpaid charitable pledges (whether or not the same are enforceable obligation of my estate) and the costs of administration of my estate be paid as soon as practicable after my death. My Executor, in his sole discretion, may pay from my domiciliary estate all or any portion of the cost of ancillary administration and similar proceedings in other jurisdictions.

In the event that any property or interest in property passing under this will, by operation of law, or otherwise by reason of my death (other than as a part of my residuary estate), shall be encumbered by mortgage or lien, or shall be pledged to secure any obligation (whether the property or interest in property so encumbered or pledged shall be owned by me jointly or individually), it is my intention that such indebtedness shall not be charged to or paid from my estate, but that the devisee, legatee, joint owner taking by survivorship, or beneficiary receiving

Ethel Newkirk Burnett

such property or interest in property shall take it subject to all encumbrances existing at the time of my death.

ARTICLE II

PROPERTY INSURANCE

All of my insurance policies which provide indemnity for the loss of or damage to any of my personal or real property by fire, windstorm or other similar casualty (including any claim for the loss of or damage to any such property which I might have at the time of my death against any insurance company), I give and bequeath, respectively, to those persons or corporations, as the case may be, who shall or would have become the owners of such properties by reason of my death, whether such ownership be acquired under the provisions of this will, by survivorship or by other means.

ARTICLE III

PERSONAL EFFECTS

I bequeath and devise to my children, Evonne Newkirk Polk, Eddie Burton Newkirk, Jr., Ellis Neil Newkirk, and to Elizabeth Ann Judd, in equal shares, in fee, all clothing, jewelry, household goods, personal effects, and all other tangible personal property not otherwise specifically bequeathed, cash on hand or on deposit, owned by me at the time of my death. I direct that any expenses incurred in safeguarding or delivering such property be paid from my estate. If either of my children or my husband shall not survive me, I devise my personal effects.

Ethel Newkirk Burnett

in fee, in equal share to the living son named herein and to the living issue, in fee, in equal shares.

ARTICLE IV

SPECIFIC BEQUESTS

4.1 I specifically bequeath that my husband, Henry Albert Burnett, all cash I have at the time of my death and any automobiles I owned at the time of my death.

4.2 In the event I predecease my husband, and in the event he resident in a permanent nursing home situation, I direct that my home be sold by my Executrix and that all the funds be used to take care of my husband for his life.

ARTICLE V

EXECUTRIX

I appoint my daughter, Evonne Newkirk Polk of Davidson County, Tennessee, to be Executrix of this my Last Will and Testament. I direct that no bond be required of my said Executrix for the faithful performance of her duties and that she shall be excused from filing an inventory or interim and final accountings with the Court in this matter. If my daughter, Evonne Newkirk Polk, shall predecease me or for any reason shall fail to qualify as Executrix hereunder (or having qualified, shall die or resign) then in such event, I appoint my son, Eddie Burton Newkirk, Jr. of Williamson County, Tennessee, as Successor Executor of my estate to service without bond and in such capacity they shall possess and exercise all powers and authority herein conferred on the Executor. I vest my Executrix, and any successor Executor named herein, with full power and authority to sell, transfer and convey any personal property, personal, which I

Ethel Newkirk Burnett

may own at the time of my death at such time and price and upon such terms and conditions (including credit) as they may determine and to do every other act and thing necessary or appropriate for the complete administration of my estate.

ARTICLE VI

POWERS OF EXECUTRIX

I authorize my Executrix (including any substitute or successor personal representative) in the exercise of a reasonable discretion with respect to all property, real and personal, at any time forming part of my estate or any trust, to exercise any or all the powers set forth in Section 3 of Chapter 110 of the Tennessee General Assembly 1963, TCA 35-50-110, to the extent applicable, all of which provisions and power are incorporated herein by reference as fully as if copies herein verbatim. These powers (as set out in said statute on the date of the execution of this will) are granted, notwithstanding that said statue may be amended hereafter or repealed at the time of my death.

ARTICLE VII

COMMON DISASTER – WIFE PRESUMED TO SURVIVE

If my husband, Henry Albert Burnett, and I shall die under such circumstances that there is not sufficient evidence to determine the order of our deaths, then it shall be presumed that I survived him; and my estate shall be administered and distributed, in all respects in accordance with such presumption.

Ethel Newbirk Burnett

ARTICLE VIII

DISPOSITION OF THE RESIDUARY

All the rest, residue and remainder of the property which I may own at the time of my death, real, personal, and mixed tangible and intangible, of whatsoever nature and whosesoever situated, including all property which I may acquire or become entitled to after the execution of this will, including all lapsed legacies and devises and all life insurance payable to my estate. I bequeath, in fee in the following manner:

A. If my husband, Albert, does not survive me, I direct that my residuary estate be bequeathed, in fee, in equal shares, to my children, Evonne Newkirk Polk, Eddie Burton Newkirk, Jr., Ellis Neil Newkirk, and Elizabeth Ann Judd, per stirpes.

Estel Newkirk Bennett

TESTIMONIUM

IN TESTIMONY WHEREOF, I have hereunto subscribed my name to this my last will and testament, consisting of this and five (5) preceding typewritten pages, and for the purposes of identification I have initialed each page, all in the presence of the persons witnessing it at my request on this 20th day of November, 2012, at Nashville, Tennessee.

Ethel Newkirk Burnett
ETHEL NEWKIRK BURNETT

ATTESTATION

The foregoing, instrument, consisting of this and five (5) preceding typewritten pages. was signed, sealed, published and declared by, the Testatrix, to be her last will and testament in our presence and we at her request and in her presence and in the presence of each other, have hereunto subscribed our names as witnesses, this 20th day of November 2012, at Nashville, Tennessee. We further testify that the Testatrix, at the time of the execution of this Last Will and Testament, was of sound mind.

Witness residing at 109 Kenner Avenue, Suite 201 Nashville, TN 37205

Witness residing at 109 Kenner Ave #201, Nash. TN 37205

AFFIDAVIT OF WITNESS TO PROVE WILL

Robert J. Hall II and Jennifer Borntrager after being duly sworn according to law, depose and say:

1. That they are adult citizens of Nashville, Davidson County, Tennessee.

2. That they witnessed the execution of the Last Will and Testament of Ethel Newkirk Burnett dated November 20, 2012, 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 32-2-211.

3. That their signatures are affixed to said last will and testament, they signed or affixed their name 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.

Jennifer Borntrager

STATE OF TENNESSEE
COUNTY OF DAVIDSON

Subscribed and Sworn to before me this 20th day of November, 2012.

NOTARY PUBLIC

My commission expires: _____ Davidson County, Tennessee.

ROBERT JOHN NOVESTIAR
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY, TENN.

My Commission Expires MAY 6, 2013

FIRST CODICIL TO
LAST WILL AND TESTAMENT
OF ETHEL NEWKIRK BURNETT

I, Ethel Newkirk Burnett, domiciled in Davidson County, Tennessee, do make and publish, and declare this to be the first codicil to my last will and testament executed by me, on November 20, 2012, in the presence of Jennifer Borntrager and Robert J. Hill II.

1. I amend Article IV of my will as follows:

   a. To delete Article IV in its entirety

2. I amend Article VIII to delete the first phrase in paragraph A. In doing this, it is my intent that the residuary of my estate pass to my children, in fee.

In all other respects, I ratify and confirm all of the said provisions of my will dated November 20, 2012.

TESTIMONIUM

IN TESTIMONY WHERE, I have hereunto subscribed my name to this my first codicil to my last will and testament, said codicil consisting of this typewritten page and one prior page and for the purpose of identification I have initialed each page, in the presence of the persons witnessing it at my request on this 9th day of July, 2013, at Nashville, Tennessee.

× Ethel Newkirk Burnett
ETHEL NEWKIRK BURNETT

AFFIDAVIT OF WITNESS TO PROVE WILL

Etayle Warren and John K. Warren after being duly sworn according to law, depose and say:

1. That they are adult citizens of Nashville, Davidson County, Tennessee.

2. That they witnessed the execution of the First Codicil to the Last Will and Testament of Ethel Newkirk Burnett dated July 9, 2013, 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 32-2-211.

3. That their signatures are affixed to said last First Codicil to her will and testament, they signed or affixed their name 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 first codicil to last will and testament.

4. That the Testatrix 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 Testatrix was, in their opinion, of sound mind.

x Etayle Warren

x John K. Warren

STATE OF TENNESSEE
COUNTY OF DAVIDSON

Subscribed and Sworn to before me this 9th day of July, 2013.

NOTARY PUBLIC

ROBERT J. NOTESTINE III
STATE OF TENNESSEE NOTARY PUBLIC
COUNTY OF DAVIDSON
My Comm. Expires May 8, 2017

My commission expires Davidson County, Tennessee.

Ethel Newkirk Burnett

ATTESTATION

The foregoing, instrument, consisting of this and one (1) preceding typewritten page, were signed, sealed, published and declared by Ethel Newkirk Burnett, the Testatrix, to be the first codicil to her last will and testament in our presence and we at her request and in his presence and in the presence of each other, have hereunto subscribed our names as witnesses, this 9th day of July, 2013, at Nashville, Tennessee. We further testify that the Testatrix, at the time of the execution of this Last Will and Testament, was of sound mind.

Stoyke Horton residing at 2605 Redwood Dr. Nash. Tn.
Witness

John K. Horton residing at 2605 Redwood Dr. Nashville, Tn
Witness

Ethel Newkirk Burnett

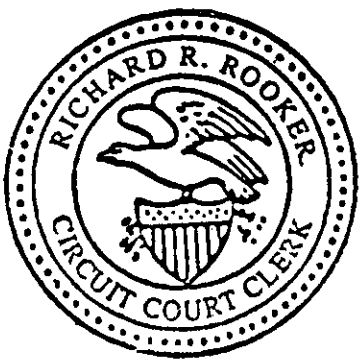
STATE OF TENNESSEE

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 30 day of OCTOBER , 2013 , in Case Number 13P1620 between POLK, EVONNE Petitioner, and BURNETT, ETHEL NEWKIRK 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 01 day of NOVEMBER 2013

RICHARD R. ROOKER, Clerk,

SEAL



By _____
Deputy Clerk