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**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 18 day of JULY , 2013 , in Case Number 13P1037 between MALLERNEE III, ROBERT OSBORN Petitioner, and MALLERNEE JR., ROBERT OSBORN ET.AL 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 10 day of DECEMBER 2013

RICHARD R. ROOKER, Clerk,

By _____ Deputy Clerk

SEAL

Copy

13P1037

# LAST WILL & TESTAMENT

FILED

2013 JUL 18 AM 10:13

OF

## ROBERT OSBORN MALLERNEE, JR.

D.C.

I, ROBERT OSBORN MALLERNEE, JR., a resident of Nashville, Davidson County, Tennessee, being of sound mind and disposing memory, do hereby make and declare this to be my Last Will and Testament, and do hereby revoke all prior testamentary instruments made by me.

### I. DEFINITIONS

As used herein, the following terms shall have the meanings specified for each such term, unless the context clearly indicates contrary meaning:

(a) "Child" or "children" includes any individual, whether adopted or natural born, entitled to take as a child by virtue of the laws of intestate succession of the State of Tennessee, and excludes any person who is only a stepchild, a foster child, a grandchild, or any more remote descendant. I have one (1) child at the time of making this Last Will and Testament: ROBERT OSBORN MALLERNEE, III. The terms "child" and "children" do not include any additional children born or adopted after the date of this Will.

(b) "Issue" means lineal descendants, adopted or natural born, of all generations, with the relationship of parent and child at each generation being determined by the definition of "child" contained herein.

(c) "Devise" means to dispose of real and personal property by this Last Will and Testament.

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(d) "Property" includes both real and personal property or any interest therein, and means anything that may be the subject of ownership.

(e) "Executor" means any executor or executrix named in Article VIII of this instrument, or otherwise duly qualified as the executor of my estate.

## II. PAYMENT OF DEBTS AND TAXES

I direct all of my matured debts, funeral expenses, expenses of my last illness and for the administration of my estate, and any estate or inheritance taxes that may be imposed by reason of my death, be paid out of my residuary estate by my Executor without proration among the several beneficiaries named herein.

## III. DEVISE OF TANGIBLE PERSONAL PROPERTY

(a) I hereby devise to my son, ROBERT OSBORN MALLERNEE, III, all of my tangible personal property, including any automobiles, boats, lawn mowers, clothing, jewelry, tools, firearms, household goods, and other articles of personal use or ornament.

## IV. RESIDUARY ESTATE

I devise all the rest and residue of my property as follows:

(a) I hereby devise to my son, ROBERT OSBORN MALLERNEE, III, all of the rest and residue of my property.

## V. LIFE INSURANCE PROCEEDS PAYABLE TO EXECUTOR

I direct that the proceeds of any insurance on my life that may be payable to my Executor be administered and distributed by it in accordance with paragraph (b) of Article IV of this Will, just as though the proceeds were part of the rest and residue of my estate.

 ROBERT OSBORN MALLERNEE, JR.

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## VI. MINORITY AND DISABILITY PROVISIONS

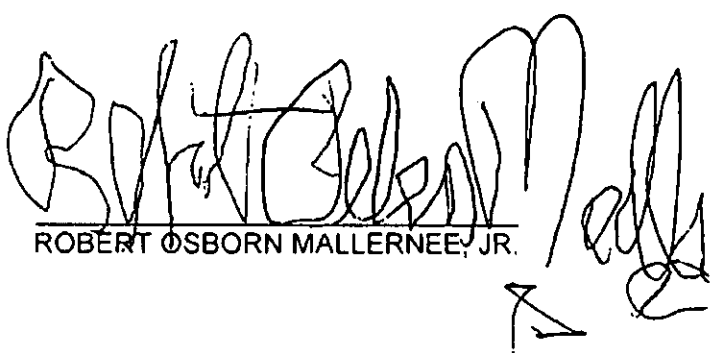
My Executor may make payments and distribute property under the provisions of this Will on behalf of any minor or incompetent beneficiary to any person having the care, custody, or control of said beneficiary, or to any other person my fiduciaries may deem property, or directly to said beneficiary, without the necessity of the intervention of a legally appointed guardian, and without any duty on the part of my fiduciaries to supervise or inquire into the application thereof.

## VII. POWERS OF EXECUTOR

I incorporate by reference, as fully as if copied verbatim, all the provisions and powers set forth in Chapter 110, Sec. 3, Public Acts of 1963 (Tennessee Code Annotated Section 35-50-110), even if said section shall be amended or repealed following execution of this instrument, which enumerates the administrative powers that I hereby confer upon my Executor.

## VIII. APPOINTMENT OF EXECUTOR

I appoint my son, ROBERT OSBORN MALLERNEE, III of Nashville, Tennessee, to be the Executor of this my Last Will and Testament. If my son, ROBERT OSBORN MALLERNEE, III, should for any reason fail or cease to serve as Executor hereunder, then in such event I appoint JOSEPH P. RUSNAK, of Nashville, Tennessee, to serve as Executor of my estate. I direct that no bond or other security be required of either of the above-named fiduciaries for the faithful performance of their respective duties.



 ROBERT OSBORN MALLERNEE, JR.

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IN WITNESS THEREOF, I have hereunto subscribed my name to this fourth (4th) page of my Last Will and Testament, consisting of six (6) typewritten pages, and for the purpose of identification, I have signed each such page, all in the presence of the person witnessing it at my request on this 11 day of DECEMBER 2012, at Nashville, Tennessee.

ROBERT OSBORN MALLERNEE, JR.

SIGNED, PUBLISHED AND DECLARED by the above-named Testator, ROBERT OSBORN MALLERNEE, JR., as and for his Last Will and Testament, in the presence of us, who at his request, in his presence, and in the presence of each other, all being present at the same time, have hereunto subscribed our names as witnesses and do hereby certify that we believe the Testator to be of sound mind and disposing memory.

Witness Address: Nashville, TN

Witness Address: Brentwood, Tn.

Witness Address:

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STATE OF TENNESSEE )
) SS.
COUNTY OF DAVIDSON )

We, Darryl Bode, Becky Maxfield,
_____, being first duly sworn, depose and say:

(1) That we, and each of us, know ROBERT OSBORN MALLERNEE, JR., who is a citizen and resident of Nashville, Davidson County, Tennessee, over eighteen years of age, and appears to be of sound mind and disposing memory.

(2) That ROBERT OSBORN MALLERNEE, JR. requested us, and each of us, to act as witnesses to the execution by his of his Last Will and Testament.

(3) That ROBERT OSBORN MALLERNEE, JR. on DECEMBER 11, 2012, produced a document which he declared in the presence of all of us; and that each of us, in the presence of each other, and in the presence of ROBERT OSBORN MALLERNEE, JR. signed said document as attesting witnesses.

(4) This Affidavit is being made at the request of ROBERT OSBORN MALLERNEE, JR. and for the purpose of proving his Last Will and Testament, all in accordance with the provisions of Chapter 568 of the Public Acts of Tennessee for the year 1972, to be attached to the Will of ROBERT OSBORN MALLERNEE, JR. upon the execution thereof by his.

Further deponents saith not.

Darryl Bode / Darryl Bode
Witness

Becky Maxfield
Witness

ROBERT OSBORN MALLERNEE, JR.

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Witness

Subscribed and sworn to before me this 11 day of DECEMBER 2012.

NOTARY PUBLIC

My Commission Expires: _____

JOSEPH P. RUSNAK
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY

My Commission Expires MAY 20, 2014

ROBERT OSBORN MALLERNEE, JR.