Copy

FILED
2011 JAN 21 AM 10:56
RICHARD R. ROOKER, CLERK
D.C.

LAST WILL AND TESTAMENT

OF

BUFORD MARKLIN, JR.

I, **BUFORD MARKLIN, JR.**, of 1000 Joseph Avenue, Nashville, Davidson County, Tennessee, being of sound mind and disposing memory, do make, declare, and publish this my last will and testament, hereby revoking all former wills and codicils to wills heretofore made by me.

ARTICLE 1
PROVISIONS RELATIVE TO FIDUCIARIES

1.1 **Definition**. The term "fiduciaries" means the executor, executrix, trustee, or guardian serving at any time under my will and includes successors.

1.2 **Bond**. No bond is required of any fiduciary appointed under this will or by a court.

1.3 **Waiver of Inventory and Appraisals.** I authorize my executor to administer and settle my estate without the necessity of filing an inventory or making any reports or final settlement with any court to the extent permitted by law. I expressly waive appraisal of my estate in the event an appraisal is required by law.

1.4 **Resignation.** The fiduciary serving under this will may resign at any time by giving written notice of the resignation to any remaining fiduciary, and to any successor fiduciary or to the person having the power to appoint a successor fiduciary or to the court having jurisdiction to appoint a successor fiduciary.

BILL GARRETT, Davidson County
Trans:T20140025698 WILL
Recvd: 04/16/14 12:22 7 pgs
Fees:37.00 Taxes:0.00
20140416-0031787

Copy

ARTICLE 2
DEFINITIONS

2.1 **My Spouse**. My beloved wife, predeceased the making of this Will.

2.2 **My Children**. I have no children.

2.3 **Singular and Masculine Usage**. Any use of the masculine includes the feminine, and the singular the plural, when such meaning is appropriate.

ARTICLE 3
FIDUCIARIES

3.1 **Executor.** I appoint my friend, **DAKOTA COPLEY** as executrix of my will. If **DAKOTA COPLEY** fails to qualify or ceases to serve, then my nephew, **HAROLD DEAN MARKLIN**, shall serve as my executor.

ARTICLE 4
PAYMENT OF DEBTS, EXPENSES AND TAXES

4.1 **Debts, Funeral and Administration Expenses**. My executor is to pay all burial expenses, the expenses of my last illness, and the administration expenses of my estate.

4.2 **Income Tax Treatment of Administration Expenses**. My executor may claim each estate administration expense as a deduction on the U.S. Estate Tax Return or on any U.S. Income Tax Return for my estate. No compensating adjustments between the income and principal are to be made because of such decision.

4.3 **Taxes**.

(a). Defined. The terms "taxes" means any transfer tax assessed because of my death for which my estate is liable and includes any penalty or interest assessed.

Copy

(b). Payment. My executor is to pay all taxes payable on the transfer of each piece of property caused by my death whether the property transferred is a part of the property passing under my will or is property passing outside my will. My executor is to pay the taxes from my Remainder Estate.

ARTICLE 5
DISTRIBUTION OF TANGIBLE AND INTANGIBLE PERSONAL PROPERTY

5.1 I give all of my strictly personal property, including any automobile or truck that I may own at my death, to my friend, **DAKOTA COPLEY**.

ARTICLE 6
DISTRIBUTION OF REAL PROPERTY

6.1 I devise all the real property owned by me at my death to my friend, **DAKOTA COPLEY**, in fee simple.

ARTICLE 7
DEALING WITH FIDUCIARIES

7.1 **Dealing with Executor**. No person dealing with the executor in any capacity is bound to inquire into the capacity to act on the part of the executor or into the authority for, or propriety of, any act of the executor or to see to the application or disposition of any money or other property paid, delivered, or loaned to the executor.

7.2 **Income During Administration**. During the administration of my estate, the executor is authorized to make distributions of the income of the estate to the same person, and in the same proportions, as might be made if the administration were completed.

7.3 **Power to Disclaim**. Each person entitled to receive an interest under this instrument may disclaim such interest in whole or in part if such person has

Copy

not accepted such interest or any of its benefits. The person will not be treated as accepting an interest or any of its benefits if the person takes physical possession of the property solely to protect it against loss or damage and, if such person is not otherwise appointed a fiduciary, I appoint such person a special fiduciary for the purpose of protecting the property.

7.4 **Indemnity of Fiduciary.** I want my fiduciary to exercise its discretion without fear of incurring a liability or expense. Therefore, unless it acts capriciously or arbitrarily, my estate must indemnify the fiduciary for each monetary expense (including attorney fees) which it incurs or expends, or which arises from the exercise of discretion.

ARTICLE 8
RESIDUARY ESTATE

8.1 I give, devise and bequeath the balance of property or money owned by me at the time of my death, and not otherwise effectively disposed of in this Will, including all insurance proceeds or other death benefits that are payable to my estate, but excluding any property over which I may have a power of appointment, less all valid claims asserted against my estate, and all expenses incurred in administering my estate, including expenses of administering non-probate assets, to my friend, **DAKOTA COPLEY**.

ARTICLE 9

Should any beneficiary under this will, in any manner, directly or indirectly attack or contest this will or any of its provisions, any share or interest in my estate given to that contesting beneficiary under this will is revoked and shall be disposed of in the same manner provided herein as if that contesting beneficiary had predeceased me.

Copy

ARTICLE 10
SIGNATURE

This will consists of five (5) pages (each of which I have signed or initialed) covering Articles 1 through 10 inclusive. I now sign this as my Will on this the 29th day of MARCH, 2010 and pursuant to Tennessee Code Annotated Subsection 32-2-110, I request the attesting witnesses to make the Affidavit attached to this Will.

IN WITNESS WHEREOF, I have set my hand this 29th day of MARCH, 2010.

Buford Marklin Jr
BUFORD MARKLIN, JR.

SIGNED, DECLARED and PUBLISHED by the said **BUFORD MARKLIN, JR.**, as and for his last Will, in the presence of us, the undersigned, who, at his request and in his sight and presence, and in the sight and presence of each other, have subscribed our names hereto as attesting witnesses the day and date written.

NAME	ADDRESS
Linda P. Herndon	212 Pear Orchard Dr. Goodlettsville, TN 37072
Roy L Herndon	212 Pear Orchard Dr Goodlettsville TN 37072

Copy

AFFIDAVIT PROVING WILL

STATE OF TENNESSEE)
)
COUNTY OF DAVIDSON)

Before me, the undersigned Notary Public, personally appeared the undersigned affiants, whose names are subscribed to the instrument to which this Affidavit is attached and, after being duly sworn, declared to me that, in their sight and presence **BUFORD MARKLIN, JR.**, signed, declared and published the instrument to which this Affidavit is affixed or annexed as the testator's will; and requested them to act as witnesses to its execution and to execute this Affidavit; that in the testator's sight and presence and in the sight and presence of each other, each affiant signed the instrument as witness; and that the testator was at that time 18 years of age or over, was of sound mind and disposing memory; was fully capable of making a will and was under no duress, compulsion or constraint.

Linda P. Herndon
WITNESS

212 Pear Orchard Dr.
ADDRESS
Goodlettsville, TN 37072

Roy L Herndon
WITNESS

212 Pear Orchard Dr.
ADDRESS
Goodlettsville TN. 37072

Subscribed and sworn to before me
this 29th day of MARCH, 2010.

Bonni K. Skipworth
NOTARY PUBLIC

My Commission Expires: _____

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 21 day of JANUARY , 2011 , in Case Number 10P657 between COPLEY, DAKOTA ET.AL Petitioner, and MARKLIN JR., BUFORD 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 16 day of APRIL 2014

RICHARD R. ROOKER, Clerk,

By _____ Deputy Clerk

SEAL

