FILED
2014 APR 23 PM 3:34
RICHARD R. ROOKER, CLERK
D.C.

IN THE SEVENTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
PROBATE DIVISION

IN THE MATTER OF:	)	
	)	
ESTATE OF	)	No. 14P579
JOAN E. SCHOENBERGER,	)	
	)	
Deceased.	)	

ORDER GRANTING PETITION TO PROBATE WILL FOR ESTABLISHING MUNIMENT OF TITLE TO REAL ESTATE

This matter was before the Court on 4/23/2014, upon the Petition of Edward C. Schoenberger, Jr. ("Petitioner"), requesting that the last will and testament ("Will") of Joan E. Schoenberger ("Decedent") be admitted to probate for the limited purpose of establishing a muniment of title to Decedent's real estate without the necessity of granting letters testamentary or otherwise proceeding with administration.

Upon consideration of the verified Petition and the entire record, the Court finds that the Petition should be granted.

IT IS THEREFORE ORDERED THAT:

1. It appears that Decedent's estate has obtained a release from liability from the Bureau of TennCare and from inheritance tax from the Tennessee Department of Revenue.

2. Decedent's Will is admitted to probate for the limited purpose of establishing a muniment of title to Decedent's real estate without the necessity of granting letters testamentary or otherwise proceeding with administration.

Honorable PHILLIP ROBINSON
BY INTERCHANGE

APPROVED FOR ENTRY:

GULLETT SANFORD ROBINSON & MARTIN PLLC

By: _____
Rob Hazard, BPR #28332
150 Third Avenue South, Suite 1700
Nashville, Tennessee 37201
615.244.4994

Counsel for Petitioner

BILL GARRETT, Davidson County
Trans:T20140028419 ORDER
Recvd: 04/25/14 12:32 13 pgs
Fees:67.00 Taxes:0.00
20140425-0035036

CERTIFICATE OF SERVICE

I certify that a true and exact copy of the foregoing has been served upon:

Edward C. Schoenberger, Jr.
5317 Camelot Court
Brentwood, TN 37027

Donna L. Tidwell
5089 Marc Drive
Nashville, TN 37211

A. Jay Schoenberger
5317 Camelot Court
Brentwood, TN 37027

Beth E. Nacarato
5213 Colfax Court
Brentwood, TN 37027

Robert G. Schoenberger
8116 Moores Lane
Brentwood, TN 37027

Thomas S. Schoenberger
8116 Moores Lane
Brentwood, TN 37027

Daniel Schoenberger
9 Moss Woods Cove
Jackson, TN 38305

Edward C. Schoenberger, IV
521 Centennial Avenue
Lewisburg, TN 37091

Service Date: 4/17/2024

Rob Hazard

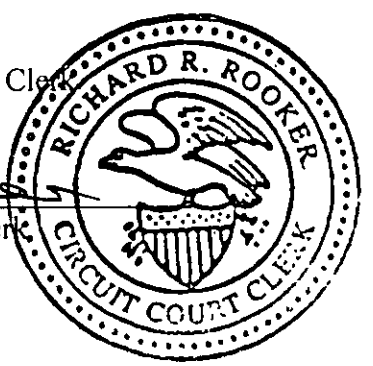
STATE OF TENNESSEE

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 Order Granting Petition to Probate for Muniment of Title heretofore assigned to Seventh Circuit Court (Probate Division) for Davidson County, Tennessee, Case No. 14P579.

IN TESTIMONY WHEREOF, I hereunto subscribe my name and affix the seal of said Court, at office, in Nashville, the 23rd day of April in the year Two Thousand and Fourteen.

RICHARD R. ROOKER, Clerk

By: _____
Deputy Clerk



New 8-26-13

FILED
2014 APR 23 PM 12:34
RICHARD R. ROOKER, CLERK
D.C.

WILL

OF

JOAN E. SCHOENBERGER

I, Joan E. Schoenberger, presently residing in Davidson County, Tennessee, do make and declare this my Will, hereby revoking all former wills and codicils.

ITEM I

FAMILY

A. Husband. I am married to Edward C. Schoenberger, Jr., and he is referred to in this Will as my husband.

B. Children. I have five living children, Donna L. Tidwell, A. Jay Schoenberger, Beth E. Nacarato, Robert G. Schoenberger, and Thomas S. Schoenberger. They are referred to in this Will individually by name and collectively as my children. A son, Edward C. Schoenberger, III, is deceased.

ITEM II

TANGIBLE PERSONAL PROPERTY

A. Written Instructions. I may prepare a letter or other written document signed by me addressing the distribution of certain items of my tangible personal property. If I prepare this

J. E. S.
Joan E. Schoenberger

document, I plan to keep it with my Will. If my Executor finds this document, it is my desire that the wishes expressed in such document be carried out. Any bequest therein is contingent upon my owning the item or items bequeathed at my death and upon the recipient surviving me.

B. Remaining Personalty. I bequeath to my husband, if he survives me, all of my clothing, jewelry, personal effects, household furnishings, automobiles and all of my other tangible personal property used by me in a personal way, except for any items bequeathed in Section A above. If my husband shall not survive me, I bequeath to my children all the foregoing to be divided among them as they may agree (but if they fail to do so, by the Executor in approximately equal shares).

ITEM III

RESIDUARY ESTATE

A. Outright to Husband. I devise and bequeath all the rest of the property that I own at my death to my husband, if he shall survive me.

B. If Husband Not Surviving. If my husband shall not survive me, my residuary estate shall be divided into five (5) equal shares and distributed as follows:

- One share to Donna L. Tidwell, but if she does not survive me, then to her husband, James Tidwell.
- One share to Donna L. Tidwell, Trustee, to be administered as a trust estate for the benefit of A. Jay Schoenberger, as provided hereafter in Section C hereof.

Joan E. Schoenberger

- One share to Donna L. Tidwell, Trustee, to be administered as a trust estate for the benefit of Robert G. Schoenberger, as provided hereafter in Section C hereof.

- One share to Donna L. Tidwell, Trustee, to be administered as a trust estate for the benefit of Thomas S. Schoenberger, as provided hereafter in Section C hereof.

- One share to Tammy Crockett, Trustee, to be administered as a trust estate for the joint benefit of Daniel Schoenberger and Edward Schoenberger, IV, the sons of my deceased son, Edward C. Schoenberger, III, except that $10,000.00 thereof may be used for her own benefit at such time and to such extent as she may desire.

(My dear daughter, Beth E. Nacarato, has requested that she not participate in sharing my residuary estate since she is already adequately provided for.)

C. Provisions of Trusts. The trusts as established in the foregoing Section B shall be administered and distributed in accordance with the following provisions:

1. The Trustee shall invest the assets of each trust. A primary purpose of establishing each trust is to help provide funds for each beneficiary as a down-payment on a residence in which he is to live or to pay down on a mortgage note on a residence he already owns. The amount, timing, and propriety of such disbursement by the Trustee is in her or his sole and unlimited discretion, but I suggest that each time the Trustee seek the concurrence of Joe Nacarato, my son-in-law, before making a distribution for housing purposes. In addition, the Trustee, in her or his sole and unlimited discretion, is authorized from time to time to disburse funds to the beneficiary (whether from income or principal or both) for an emergency or other expenditure the

Joan E. Schoenberger

Trustee deems necessary or appropriate under the circumstances. With respect to the trust for my said grandsons, it will not be necessary for the Trustee to equalize distributions between them.

2. Each trust shall terminate upon the earliest to occur of the following: (a) when there is no Trustee or successor Trustee as herein named to act as Trustee of the trust; (b) the exhaustion of trust funds; or (c) the death of my son who is the respective beneficiary, or the death of the second to die of my aforesaid two grandsons who are the respective beneficiaries. Upon termination, the trust proceeds, if any remain, shall be distributed to the beneficiary son if he is living and, if not, to the personal representative of his estate (or, in the case of the grandsons' trust, to both grandsons equally, or if only one is surviving, to him alone; but if neither survives, then to the estate of the second to die.)

3. If necessary upon the death of a Trustee, the personal representative of her or his estate is authorized to make the trust distributions required when a trust terminated upon the death of a Trustee.

4. If both Donna L. Tidwell and Beth E. Nacarato predecease me or fail to serve as Trustee or Successor Trustee for any reason then the trusts for my sons shall not be established, but in such event, I give and devise to each of them the one-fifth share of my residuary estate which otherwise would have been held in trust. Similarly, if Tammy Crockett predeceased me or fails to serve as Trustee for any reason, the trust for the joint benefit of my two named grandsons shall not be established, but in such event, I give and bequeath to them jointly the one-fifth share of my estate which otherwise would have been held in trust.

Joan E. Schoenberger

ITEM IV

FIDUCIARIES

A. Executor. I appoint my husband, Edward C. Schoenberger, Jr., as the Executor of this Will. If he is unable or otherwise chooses not to serve in that capacity for any reason, then I appoint my daughter, Donna L. Tidwell, as the alternate Executor. To the extent permitted by applicable law, neither Executor hereunder shall be required to furnish bond, file any inventory or file any accountings with respect to the performance of her duties.

B. Trustees. I appoint Donna L. Tidwell as Trustee of each trust created herein for the benefit of her brothers as provided in Item III, and I appoint Beth E. Nacarato as the successor Trustee. I appoint Tammy Crockett as Trustee of the trust created herein for the benefit of my two grandsons. I direct that no bond be required of a Trustee for the faithful performance of her duties.

ITEM V

ADMINISTRATIVE PROVISIONS

A. Payment of Debts, Administration Expenses and Taxes. All of my legally enforceable debts (except secured debts, which may be paid or retained in the discretion of the Executor, and if paid shall be without right of contribution from my husband), my funeral expenses and the expenses of administration of my estate shall be paid by my Executor as soon as practicable after my death. My Executor shall pay out of my residuary estate all estate, inheritance and other death taxes which shall become payable by reason of my death, whether in respect of property passing under this Will or otherwise, as an expense of administration, without apportionment.

B. Life Insurance. The proceeds of any life insurance payable to my Executor, my Trustee or my estate are to be free from the claims of creditors, and are to be held and distributed as provided by the terms of this Will. My Executor may use any portion of such proceeds as my

Executor deems advisable for the payment of debts, expenses and taxes, but only if my Executor thinks such use of the proceeds is in the best interests of my beneficiaries hereunder.

C. Real Property. Any real property that I own at my death is to be administered as a part of my probate estate subject to the control of the Executor for purposes of administration, as authorized by Tennessee Code Annotated Section 31-2-103(a). So long as the Executor serves, the Executor shall have the same power over the title to real property as an absolute owner would have, including but not limited to the power to sell, mortgage, lease or otherwise convey any interest in any real estate without the joinder, consent or approval of any heir, legatee, beneficiary, court or other person, provided that in exercising such power the Executor shall be acting in a fiduciary, not an individual, capacity.

D. Powers of Executor and Trustee. In addition to any powers and other related administrative provisions granted or contained elsewhere in this Will, the Executor and Trustee, in the exercise of a reasonable discretion with respect to all property, real and personal, at any time forming a part of my estate or any trust hereunder, may exercise any and all of the powers set forth in Tennessee Code Annotated Section 35-50-110, to the extent applicable, all of which provisions and powers are incorporated herein by reference (as set out in this statute on the date I sign this Will), even if this statute is amended or repealed hereafter. Without in any way limiting the foregoing, the Executor shall at all times during the administration of my estate be vested with all the powers, duties and authority of the Trustee herein provided, and shall be authorized to make payments in the same manner and to the same extent as if the Executor were acting as Testamentary Trustee. I grant to my fiduciaries the power and authority to appoint resident fiduciaries to serve with them when applicable law so requires.

E. Spendthrift Provision. Neither the income nor principal of any trust herein created, or any share thereof, shall be pledged, assigned, transferred, sold or in any manner whatsoever accelerated, anticipated or encumbered by any beneficiary, nor shall any income or principal of any trust estate hereunder be in any manner subject to or liable in the hands of the Trustee for the debts, contracts or engagements of any beneficiary or be subject to any assignment or any other voluntary or involuntary alienation or disposition whatsoever; but in all distribution of income or principal, the same shall be paid only to the beneficiary entitled or to others for his benefit.

F. Reports of Trustee. The Trustee is excused from making any accounting or report to any court regarding the administration of any trust herein created, but an accounting shall be furnished at least annually to each beneficiary.

IN WITNESS WHEREOF, I sign this Will, consisting of this and the preceding six (6) printed pages, and for the purpose of identification, I have signed or initialled each page, all in the presence of the persons witnessing it, at my request, on this the 26th day of August, 2013, at Nashville, Tennessee.

Joan E. Schoenberger

Joan E. Schoenberger

Signed and declared by the Testatrix, Joan E. Schoenberger, to be her Will in the presence of all of us at one and the same time, and we, at her request and in her presence and in the presence of each other, have hereunto subscribed our names as witnesses, and we do hereby attest to the sound and disposing mind of said Testatrix and to the performance of the aforesaid act of execution at the place and on the date hereinabove set out.

WITNESSES:

Karen Howard
Name

Karen Howard
Print or Type Name

150 Third Ave. South, #1700, Nashville, TN 37203
Address

Name

ROB HAZARD
Print or Type Name

NASHVILLE, TN
Address

THIS WILL PREPARED BY:

GULLETT, SANFORD, ROBINSON & MARTIN, PLLC
150 Third Avenue South, Suite 1700
Nashville, Tennessee 37201
(615) 244-4994

AFFIDAVIT

STATE OF TENNESSEE)
)
COUNTY OF DAVIDSON)

The undersigned persons, after first being duly sworn according to law, depose and say:

1. That they are adult citizens and residents of Tennessee.

2. That they witnessed the execution of the Will of Joan E. Schoenberger, dated the 26th day of August, 2013, to which this Affidavit is attached, and that this Affidavit is being made at the request of the Testatrix and in accordance with the provisions of Tennessee Code Annotated, Section 32-2-110.

3. That their signatures are affixed to the said Will, that they signed or affixed the same at the instance and 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 Will.

4. That the Testatrix signed said paper writing as and for her Will in their sight and presence.

5. That at the time they witnessed said Will, the Testatrix was, in their opinion, of sound mind.

Karen Howard
Witness

Witness

Sworn to and subscribed before me by the two (2) persons whose signatures are affixed hereto on this 26th day of August, 2013.

Linda D. Robertson
Notary Public

LINDA D. ROBERTSON
NOTARY PUBLIC
STATE OF TENNESSEE
DAVIDSON COUNTY

My Commission Expires: _____

MY COMMISSION EXPIRES:
December 6, 2016

534409.1/2011927

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 Last Will & Testament heretofore assigned to Seventh Circuit Court (Probate Division) for Davidson County, Tennessee, Case No. 14P579.

IN TESTIMONY WHEREOF, I hereunto subscribe my name and affix the seal of said Court, at office, in Nashville, the 23rd day of April in the year Two Thousand and Fourteen.

RICHARD R. ROOKER, Clerk

By: _____
Deputy Clerk

