IN THE SEVENTH CIRCUIT COURT (PROBATE DIVISION) OF
DAVIDSON COUNTY, TENNESSEE

IN RE: ESTATE OF JEFFREY J. WELLS, Deceased

FILED
MAY 07 2014
RICHARD R. ROOKER, Clerk
By _____ Deputy

No. 14P698

BILL GARRETT, Davidson County
Trans:T20140047096 ORDER
Recvd: 07/02/14 09:35 14 pgs
Fees:72.00 Taxes:0.00
20140702-0058047

ORDER

Based on an examination of the Petition and the sworn Testimony of the Petitioners on May 7, 2014, the Court finds the following:

1. Decedent was a resident of Davidson County, Tennessee;

2. Decedent died on March 14, 2014, at the age of eighty-two (82) years;

3. Decedent left a Last Will and Testament, dated July 25, 1996, which was properly signed and witnessed, and a First Codicil dated March 26th, 2013, which was properly signed and witnessed;

4. Petitioner is the person named under the Decedent's Last Will and Testament to serve as Executrix of the Decedent's estate (his spouse, GLORIA D. WELLS, predeceased him); and

5. The Decedent's estate is solvent; and

BASED ON THESE FINDINGS, THE COURT ORDERS THE FOLLOWING:

1. That the Decedent's Last Will and Testament and First Codicil be admitted to probate;

2. After administering the oath, Letters of Testamentary will be issued to AMY D. WELLS;

3. All bonds are excused;

4. All interim accountings are excused, however, an estate status report shall be filed annually on the date of this Order until closed;

5. All inventories are excused;

6. Costs of these proceedings are taxed to the petitioner; and

RICHARD R. ROOKER CIRCUIT COURT CLERK

7. Notice will be issued to creditors and the Department of Revenue as required by T.C.A. Section 30-2-306 and 67-8-406 respectively.

ENTERED this 7 day of May, 2014.

HONORABLE RANDY KENNEDY, Judge

APPROVED FOR ENTRY:

SUSAN S. WEISS, #010672
Attorney for the Estate
229 Ward Circle A 11
P. O. Box 1025
Brentwood, TN 37027
(615) 377-1209
sweissatty@mindspring.com

I hereby certify that this is a true copy of original instrument filed in my office this 7th day of May 20 14
RICHARD R. ROOKER Clerk
By _____ Deputy Clerk

RICHARD R. ROOKER CIRCUIT COURT CLERK

LAST WILL AND TESTAMENT

OF

JEFFREY J. WELLS

FILED
2014 APR 25 PM 1:51
RICHARD R. ROOKER, CLERK

I, **Jeffrey J. Wells**, of Davidson County, Tennessee, do make, publish and declare this my Last Will and Testament, hereby revoking all prior Wills and Codicils thereto.

ITEM I

IDENTIFICATIONS AND USE OF TERMS

My wife is **Gloria D. Wells**, and is herein referred to as "my wife." We have three (3) children. They are **Michael S. Wells, Amy D. Wells,** and **Annette Wells McGhee.** They are herein referred to as "my children."

ITEM II

APPOINTMENT OF EXECUTOR

I nominate and appoint my wife as Executrix under this my Last Will and Testament. If my wife should for any reason fail to qualify or at any time cease to serve, I nominate and appoint my daughter **Amy D. Wells** as Executrix under this my Last Will and Testament. If my daughter **Amy D. Wells** should not be able to serve, I nominate and appoint my other two children **Michael S. Wells** and **Annette Wells McGhee** as Co-Executors. Any Executor appointed hereunder, whether original or successor, shall serve without bond. "Executor" shall be construed in the appropriate number and gender when used herein.

RICHARD R. ROOKER
CIRCUIT COURT CLERK

ITEM III

PAYMENT OF DEBTS, TAXES AND EXPENSES

I direct that all debts that shall be legally owing by me, my funeral expenses and the expenses of administration of my estate be paid by my Executor as soon as practicable. Except as otherwise directed herein, any debts secured by real estate, whether by mortgage or any other security instrument, my Executor may pay such debt or permit such real estate to pass subject to such debt, whichever my Executor deems to be in the best interest of my estate and the beneficiaries thereof. I further direct my Executor to pay all estate, inheritance, and death taxes, including any interest and penalty thereon, that shall be imposed by reason of my death, including such taxes on proceeds of insurance on my life, whether or not such proceeds are a part of my testamentary estate. Such taxes shall be paid from my Residuary Estate. Any life insurance proceeds payable to my estate may be used to pay any debts, claims, taxes, or other obligations of my estate.

ITEM IV

DISPOSITION OF HOUSEHOLD AND PERSONAL EFFECTS

I direct that my household and personal effects, including any automobile that I may own, be distributed in accordance with the latest letter of instructions to be found after my death. Any items not disposed of in such a letter or all items in the absence of such a letter shall be distributed to my wife. If my wife does not survive me, such items shall be distributed to such of my children who survive me in shares substantially equal in value. In making a division of my household and personal effects, my Executor shall take into consideration the wishes of the beneficiaries, but the decision of my Executor in respect to a division of such items shall be conclusive.

RICHARD R. ROGERS
CIRCUIT COURT CLERK

My Executor may sell any such items and add the proceeds to my Residuary Estate.

ITEM V

IF WIFE SURVIVES

All the rest and residue of my estate I give, devise and bequeath to my wife to be hers absolutely if she survives me.

ITEM VI

IF WIFE DOES NOT SURVIVE

If my wife does not survive me, I make the following provisions for my children:

1. I give and devise the house in which my wife and I are living at the execution of this will, located at 7166 Willow Creek Drive, Nashville, Tennessee, to my daughter **Amy D. Wells**. If before my death I should have sold the Willow Creek Drive house and bought another residence, such other residence shall go to my said daughter along with any excess proceeds from the sale of my original residence not invested in the other residence. If I should have sold my principal residence and not have invested the proceeds in another residence, the proceeds from the sale of my principal residence shall go to my said daughter. If my daughter **Amy D. Wells** does not survive me, this gift and devise shall go to her descendants per stirpes. If she should have no descendants living at my death, this gift and devise shall lapse and become a part of my Residuary Estate.

2. I give and devise to my son **Michael S. Wells** the house in which he is living at the execution of this will located at 1511 Highway 70, Kingston Springs, Tennessee. I also direct that the balance of any mortgage on said residence be paid off from funds in my estate. If my son **Michael S. Wells** does not survive me, this gift and devise shall go to **Amy D. Wells**, as Trustee, to be held for the benefit of my grandson **James M. Wells** as hereinafter provided.

3. I give and devise to my daughter **Annette Wells McGhee** the condominium in which my mother and sister are living at the execution of this will. Provided, however, my mother and sister, or either of them, shall have the right to continue to live in such condominium so long as they are able or wish to do so. I also give and bequeath to my said daughter an amount equal to the balance of any mortgage on her principal residence upon the condition that she apply such bequest to the balance of said mortgage, provided this bequest shall not exceed the sum of

RICHARD R. ROOKER
3
CIRCUIT COURT CLERK

Sixty Seven Thousand Dollars ($67,000). If my daughter **Annette Wells McGhee** does not survive me, this gift and devise shall go to **Amy D. Wells**, as Trustee, to be held for the benefit of my granddaughters **Rachel L. McGhee** and **Abigail W. McGhee** as hereinafter provided.

All the rest and residue of my estate, both real and personal, I give in equal shares, one such equal share to each of my children who survives me and one such equal share to the descendants, per stirpes, of each deceased child of mine. If I should during my life deed any of the properties referred to above to any of my children or pay off any or part of the obligations referred to above, such conveyance and/or payment shall be considered an advancement of such child's share and shall be considered a satisfaction or a partial satisfaction of gifts made in this item of my last will and testament. If any part of my Residuary Estate should pass to my grandson **James M. Wells**, it shall be held in trust for his benefit along with the gift and devise in Item VI, Paragraph 2, above by **Amy D. Wells**, as Trustee, as hereinafter provided. If any part of my Residuary Estate should pass to my granddaughters **Rachel L. McGhee** and **Abigail W. McGhee**, it shall be held in trust for their benefit along with the gift and devise in Item VI, Paragraph 3, above, by **Amy D. Wells**, as Trustee, as hereinafter provided.

ITEM VII

TRUST FOR JAMES M. WELLS

Any part of my estate that passes to my grandson **James M. Wells** shall be held in trust for his benefit by **Amy D. Wells** as Trustee according to the following terms and conditions:

1. Income. The Trustee may distribute so much of the income and

RICHARD R. ROOKER
CIRCUIT COURT CLERK

principal of this trust to or for the benefit of the beneficiary as the Trustee sees fit for his proper maintenance, education and support.

2. **Encroachment on Principal**. The Trustee may encroach upon the principal of this trust for the benefit of the beneficiary to the extent deemed advisable by the Trustee for the beneficiary's proper maintenance, education and support.

3. **Termination**. This trust shall terminate when the beneficiary reaches the age of twenty-one (21) years, at which time the then principal and any undistributed income shall be distributed to the beneficiary outright and free of trust.

ITEM VIII

TRUST FOR RACHEL AND ABIGAIL

Any part of my estate that passes to my granddaughters **Abigail W. McGhee** and **Rachel L. McGhee** shall be held in trust by **Amy D. Wells**, as Trustee, upon the following terms and conditions:

1. **Income**. The Trustee may distribute so much of the income from this trust to or for the benefit of the beneficiaries as the Trustee sees fit for their proper maintenance, education and support

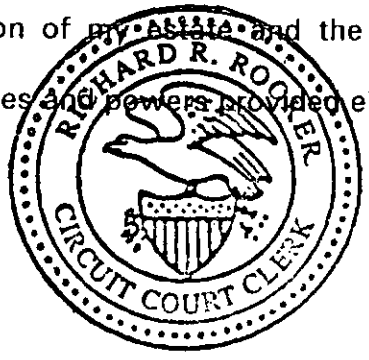
2. **Encroachment on Principal**. The trustee may encroach upon the principal of this trust for the benefit of the beneficiaries to the extend deemed advisable by the Trustee for the beneficiaries' proper maintenance, support and education.

3. **Termination of Trust**. This trust shall terminate as each beneficiary reaches the age of twenty-one (21) years, at which time the Trustee shall distribute to such beneficiary her proportionate share of the then trust principal and any undistributed income.

ITEM IX

POWERS AND DUTIES OF FIDUCIARIES

In the administration of my estate and the trust herein created the Fiduciaries in addition to the duties and powers provided elsewhere in this will or by



law, shall have the following powers:

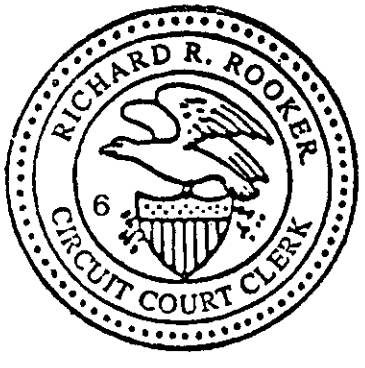
A. Code Powers. The powers enumerated in Section 35-50-110 of the Tennessee Code Annotated. Said provisions are hereby incorporated herein by reference as fully as though copied herein verbatim.

B. Distribution in Cash or Kind. When it shall be necessary to distribute any assets of my estate or the trust created herein, such distribution may be made in any manner deemed proper by the Fiduciaries and may be made in cash or in kind, or partly in each. The judgment of the Fiduciaries on the value of such assets shall be binding and conclusive on all interested parties.

C. Accountings. The Executor shall not be required to file any accounting with any court, including an inventory of my estate; however, accountings of my estate hereunder shall be furnished to the beneficiary if so requested by the beneficiary.

D. Elections. My Executor shall have the power to exercise any election available to my estate with regard to claiming any administration expense either as a deduction for death tax or income tax purposes. Said elections may be made in such manner as will minimize the total tax burden on my estate and shall not require adjustments as between the income and principal accounts of my estate.

E. Distributions. Any distributions required to be made herein may be made in cash or in kind, or partly in each as the fiduciaries see fit.



IN WITNESS WHEREOF, I have set my hand on this 25TH day of JULY, 1996.

Jeffrey J. Wells

Jeffrey J. Wells

ATTESTATION CLAUSE

The foregoing instrument was signed, published, and declared by the said Testator or Testatrix as and for his or her Last Will and Testament on the date above written in our presence and in the presence of each of us, who at his or her request in his or her presence and in the presence of each other, have subscribed our names as witnesses.

Witness

Witness

RICHARD R. ROOKER
CIRCUIT COURT CLERK

AFFIDAVIT

STATE OF TENNESSEE

COUNTY OF DAVIDSON

We, the witnesses to the above Last Will and Testament, after being first sworn , make oath that the foregoing Last Will and Testament was signed by the said Testator or Testatrix as and for his or her Last Will and Testament, and at that time acknowledged, published and declared by him or her to be his or her Last Will and Testament in the sight and presence of us, the undersigned, who at his or her request and his or her sight and presence and in the sight and presence of each other subscribed our names as attesting witnesses on the date above written. We further make oath that the Testator or Testatrix was of sound mind on said date and was more than eighteen (18) years of age.

Affiant

Affiant

STATE OF TENNESSEE

COUNTY OF Davidson

Sworn to and subscribed before me this 25th day of July. 1996.

Notary Public

My commission expires 5/30/99

w-jjwells

revised 6-23-96

RICHARD R. ROOKER CIRCUIT COURT CLERK

I hereby certify that this is a true copy of original instrument filed in my office this 1st day of May, 20 14

RICHARD R. ROOKER, Clerk

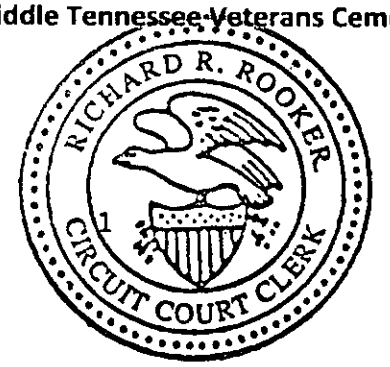
By

Deputy Clerk

CODICIL TO MY WILL THAT IS DATED 25TH DAY OF JULY 1996

- ITEM I is amended to note that my wife, Gloria D. Wells, died on February 11, 2013.
- ITEM II Because of my wife's death, my daughter has become the Executrix of this will, in compliance with ITEM II.
- ITEM VI, Provision 1., is amended to give and devise the condominium at 103 Emma Neuhoff Court, Nashville, Tennessee, 37205, to my daughter, Amy D. Wells (Mrs. Don Campbell), because the house at 7166 Willow Creek Drive was sold and the proceeds were invested in the said condominium. All other provisions of the subject paragraph remain.
- ITEM VI, Provision 2., is hereby revised to omit the words "I give and devise to my son Michael S. Wells the house in which he is living at the execution of this will located at 1511 Highway70, Kingston Springs, Tennessee," and to add as the new first sentence of the subject paragraph the words " I give and devise to my grandson, James Michael Wells, the property located at 1511 Highway 70, Kingston Springs, Tennessee." Both my son, Michael, and grandson, James, are aware of this change in my will. Further, the property may be given through a quit deed or any other conveyance deemed by the Executrix to be appropriate.
- ITEM VI, Provision 3., is hereby amended to delete the first paragraph, which pertains to the disposition of the condominium in which my mother and sister were living at the time of the execution of this will , since the subject condominium has been sold, and the proceeds have been gifted to my daughter, Annette Wells McGhee, over the period of several years.
- ITEMS VII and VIII have become inoperative, since all three grandchildren have attained the age of 21.

It is my wish and direction that my body be cremated and that my ashes be buried next to my deceased wife in the Middle Tennessee Veterans Cemetery.



IN WITNESS WHEREOF, I have set my hand on this 26TH day of

MARCH, 2013.

Jeffrey J. Wells

ATTESTATION CLAUSE

The foregoing instrument was signed, published, and declared by the said Testator as and for his Codicil to his Last Will and Testament on the date above written in our presence and in the presense of each of us, who at his request in his presence and in the presence of each other, have subscribed our names as witnesses.

L.F. Neeley

Witness

Lynwood F Neeley Jr

Witness

Sworn to and subscribed before me, this 26th day of March, 2013

Mary K Beazley
Notary Public

My Commission Expires:
March 8, 2016

MARY K. BEAZLEY
STATE OF TENNESSEE
NOTARY PUBLIC
DAVIDSON COUNTY

RICHARD R. ROOKER
CIRCUIT COURT CLERK

IN THE SEVENTH CIRCUIT COURT (PROBATE DIVISION) OF DAVIDSON COUNTY TENNESSEE

IN THE MATTER OF:	)	
	)	
ESTATE OF JEFFREY J. WELLS,	)	No. _____
	)	
Deceased.	)	
	)	

AFFIDAVIT OF L. F. NEELEY

Before me, a Notary Public, personally appeared the Affiant (L. F. NEELEY) whose name appears as a witness to the Codicil of the Last Will and Testament of JEFFREY J. WELLS, and, after being duly sworn says:

On the 26TH date of March, 2013, JEFFREY J. WELLS, requested me to witness the signing of his Codicil to his Last Will and Testament dated July 25th, 1996; on the same date and in my sight and presence and in the sight and presence of the other subscribing witness, LYNWOOD F. NEELEY, JR., JEFFREY J. WELLS signed, declared and published his Codicil to his Last Will and Testament. In the sight and presence of JEFFREY J. WELLS and in the sight and presence of each other, I signed and the other witness (LYNWOOD F. NEELEY, JR.) signed such Codicil to the Last Will and Testament of JEFFREY J. WELLS as witnesses; and at the time of the signing of the Codicil to the Last Will and Testament of JEFFREY J. WELLS, JEFFREY J. WELLS was eighteen (18) years of age or older, was of sound mind and disposing memory, was under no duress, compulsion or constraint and was fully cognizant of the nature of his act.

Signed this the 24 day of April, 2014.

L. F. NEELEY

STATE OF TENNESSEE
COUNTY OF Davidson

Sworn to and subscribed before me this 24th day of April, 2014.

Notary Public

My commission expires: _____

My Commission Expires:
March 8, 2016

MARY K. BEAZLEY
NOTARY PUBLIC
STATE OF TENNESSEE
DAVIDSON COUNTY
CIRCUIT COURT CLERK

IN THE SEVENTH CIRCUIT COURT (PROBATE DIVISION) OF
DAVIDSON COUNTY TENNESSEE

IN THE MATTER OF:	)	
	)	
ESTATE OF JEFFREY J. WELLS,	)	No. _____
	)	
Deceased.	)	
	)	

AFFIDAVIT OF LYNWOOD F. NEELEY, JR.

Before me, a Notary Public, personally appeared the Affiant (LYNWOOD F. NEELEY, JR.) whose name appears as a witness to the Codicil of the Last Will and Testament of JEFFREY J. WELLS, and, after being duly sworn says:

On the 26TH date of March, 2013, JEFFREY J. WELLS, requested me to witness the signing of his Codicil to his Last Will and Testament dated July 25th, 1996; on the same date and in my sight and presence and in the sight and presence of the other subscribing witness, L. F. NEELEY JEFFREY J. WELLS signed, declared and published his Codicil to his Last Will and Testament. In the sight and presence of JEFFREY J. WELLS and in the sight and presence of each other, I signed and the other witness (L. F. NEELEY) signed such Codicil to the Last Will and Testament of JEFFREY J. WELLS as witnesses; and at the time of the signing of the Codicil to the Last Will and Testament of JEFFREY J. WELLS, JEFFREY J. WELLS was eighteen (18) years of age or older, was of sound mind and disposing memory, was under no duress, compulsion or constraint and was fully cognizant of the nature of his act.

Signed this the 24 day of April, 2014.

Lynwood F Neeley Jr
LYNWOOD F. NEELEY, JR.

STATE OF TENNESSEE
COUNTY OF Davidson

Sworn to and subscribed before me this 24th day of April, 2014.

RICHARD R. ROOKER MARY A. BEAZLEY STATE OF TENNESSEE NOTARY PUBLIC DAVIDSON COUNTY CLERK

Notary Public

My commission expires: _____

My Commission Expires:
March 8, 2016

I hereby certify that this is a true copy of original instrument filed in my office
this 24th day of April 20 14
RICHARD R. ROOKER Clerk
By _____
Deputy Clerk