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JUN 26 2014
RICHARD R. ROOKER, Clerk
By Deputy

LAST WILL AND TESTAMENT

OF

JAMES BURTON NEELY

I, JAMES BURTON NEELY, domiciled in 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

Payment of Debts, Expenses and Costs

I direct that all of my just debts, my funeral expenses and the costs of administration of my estate be paid as soon as practicable after my death. I direct that there shall be paid out of my residuary estate, without apportionment, all estate, inheritance, succession and other taxes, assessed by reason of my death, imposed by the Government of the United States, or any State or Territory thereof in respect of all property required to be included in my gross estate for estate or like tax purposes by any such governments, whether the property passes under this Will, or otherwise, without contribution by any recipient of any such property.

ARTICLE II

Residuary Estate

I devise to my wife, FRIEDA BELLE NEELY, the parcel of real property now occupied by me as my residence, with all appurtenances and improvements used in connection therewith, located at 403 Deer Lake Drive, Nashville, Tennessee, during the term of her life. I direct that my said wife, FRIEDA BELLE NEELY, shall pay all charges incident to maintaining said property, including and without limitation, all assessments, insurance premiums, taxes and ordinary repairs. If my said wife, FRIEDA BELLE NEELY, shall fail to pay any of such charges, then any one or more of my issue may pay the same; and in such event, such person or persons so paying shall

RICHARD R. ROOKER CIRCUIT COURT CLERK

have a lien against said property in the amount so expended with interest thereon at the rate of 6% per annum until paid. If the premises are sold to a bona fide purchaser for value, such lien shall be deemed extinguished as to such real property, but shall follow and attach to the proceeds of sale.

My said wife, FRIEDA BELLE NEELY, shall not be required to account for or repair any waste, injury or damage to or depreciation of such property, or to replace any part thereof which may be consumed, used up or destroyed, unless the same is attributable to her act or omission.

Upon the death of my said wife, FRIEDA BELLE NEELY, I devise it per stirpes to my sons, GREGORY BURTON NEELY and ROBERT EDWARD NEELY.

I direct that my said wife, FRIEDA BELLE NEELY, shall not be required to furnish or file in any court an inventory of the property herein devised to her for life, nor to give a bond or other security for the safekeeping thereof.

All the rest, residue and remainder of the property which I may own at the time of my death, real, personal or mixed, tangible and intangible, of whatsoever nature and wheresoever 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 and devise in fee to my sons, GREGORY BURTON NEELY and ROBERT EDWARD NEELY, in equal shares.

However, if one or any of my sons shall predecease me, then the issue of that deceased child or children shall take that son's portion in equal shares. I direct that if it becomes necessary to make the required division of my personal effects and household and similar items among my sons or their issue in the case of a predeceased child or children, my Executrix shall have absolute discretion as to what items thereof each beneficiary shall receive. If any beneficiary be too young to need or otherwise be unable to use the property passing to such beneficiary under this item, or any part thereof, my Executrix may in her absolute discretion:

 James Burton Neely

(1) Hold all or part of such property for the beneficiary until he shall have need or use of it, or

(2) Deliver all or part to the beneficiary thereof, or to any person with whom such beneficiary is residing, for the use of said beneficiary, without further responsibility to the Executrix, or

(3) Sell all or any part and give the proceeds to such beneficiary or to the legal guardian of such beneficiary.

The decision of my Executrix on these matters shall be binding and conclusive on all beneficiaries.

ARTICLE III

Common Disaster

If my wife, FRIEDA BELLE NEELY, 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 she predeceased me; and my estate shall be administered and distributed in all respects, in accordance with such presumption.

ARTICLE IV

Powers of Executrix

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

 James Ruston Neely

ARTICLE V

Appointment of Executrix

I appoint my wife, FRIEDA BELLE NEELY, to be the Executrix of this my Last Will and Testament. If my wife, FRIEDA BELLE NEELY, shall predecease me or for any reason fail to qualify as Executrix hereunder, or having qualified shall die or resign, then in such event I appoint JASON ROBERT NEELY of Davidson County, Tennessee, to be the alternate or successor executor of my estate; and in such capacity shall possess and exercise all powers and authority herein conferred upon my Executrix. I direct that no bond shall be required of my said Executrix or successor executor for the faithful performance of their duties.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name to this my Last Will and Testament, consisting of this and three (3) preceding typewritten pages and for the purposes of identification have signed each such page, all in the presence of the persons witnessing it at my request on this the 30 day of November, 1990, at Nashville, Tennessee.

James Burton Neely
JAMES BURTON NEELY

The foregoing instrument, consisting of this and three (3) preceding typewritten pages, was signed, sealed, published and declared by JAMES BURTON NEELY, the Testator, to be his Last Will and Testament, in our presence, and we, at his request, and in the presence of each other, have hereunto subscribed our names as witnesses, this 30 day of November, 1990, at Nashville, Tennessee.

Florence Clemmons
Witness

431 Thompson Ln #17
Address
Nashville, Tn 37211

Carole Patt
Witness

13670 Old Hickory Blvd.
Address
Antioch, TN 37013

 James Burton Neely

AFFIDAVIT

Florence Hamilton and Carole Patt

after being duly sworn according to law, depose and say:

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

2. That they witnessed the execution of the Last Will and Testament of JAMES BURTON NEELY, dated this the 30 day of November, 1990, to which this Affidavit is attached, and that this Affidavit is being made at the request of the Testator, and in accordance with Tennessee Code Annotated Section 32-2-110.

3. That their signatures are affixed to said Last Will and Testament, that they signed or affixed the same at the instance and at the request of the Testator, and in his 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 Testator signed said paper writing as and for his Last Will and Testament in their sight and presence.

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

Florence Hamilton
Witness

Carole Patt
Witness

STATE OF TENNESSEE)
)
COUNTY OF DAVIDSON)

Sworn to and subscribed before me this the 30th day of November, 1990.

Dolores Christian
Notary Public

My commission expires:
7-23-94

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 26 day of JUNE , 2014 , in Case Number 14P1007 between NEELY, FRIEDA BELLE Petitioner, and NEELY, JAMES BURTON 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 11 day of JULY 2014

RICHARD R. ROOKER, Clerk,

SEAL



By _____
Deputy Clerk