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20140804-0069557

LAST WILL AND TESTAMENT

OF

RICHARD DENIS SWEENEY

14PSC1

FILED
APR 17 2014
RICHARD FROCKER, Clerk
By _____ Deputy

I, RICHARD DENIS SWEENEY, a resident of Davidson County, Tennessee, do hereby make, publish and declare this to be my Last Will and Testament, hereby revoking all other Wills and Codicils to Wills heretofore at any time made by me.

ITEM I

I nominate and appoint my wife, JANICE B. SWEENEY, as Executrix of this my Last Will and Testament. In the event my said wife should not survive me, or fail to qualify, die, resign or cease to act for any reason, then I nominate and appoint my son, RICHARD D. SWEENEY, JR. as alternate Executor in her stead. In the event my said alternate Executor shall likewise not survive me, or fail to qualify, die, resign or cease to act for any reason, I nominate and appoint my daughter, TERESA S. CROTHERS as alternate Executrix in his stead. I will and direct that no bond or other security be required of my Executrix or alternate Executor or alternate Executrix as either the case may be. Hereinafter, whenever the term Executrix is used in this my Last Will and Testament, I intend to mean the original Executrix or the alternate Executor or the alternate Executrix as either the case may be, as herein designated.

I specifically authorize and empower my Executrix with all powers set forth in Section 3 of Chapter 110 of the Tennessee

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General Assembly Acts of 1963, being Section 35-50-110 of the Tennessee Code Annotated, and any amendment thereto, to the extent applicable, all of which said provisions and powers are incorporated herein by reference as if fully copied herein verbatim.

ITEM II

I direct that all of my just debts, funeral expenses, inheritance and estate taxes, and cost of the administration of my estate be paid as soon as practicable after my death. The proceeds of any insurance money coming into my estate shall be subject to the payment of these debts and expenses.

All such debts, funeral expenses, administration expenses and estate, inheritance, succession or other taxes, assessed by reason of my death, or taxes owed by me at my death or on income to my estate during the period of administration, imposed by the Government of the United States, the State of Tennessee or any other state or political subdivision thereof, which are payable with respect to all property required to be included in my gross estate for tax purposes, whether or not such property passes under this Will or otherwise, shall be allocated to and paid from my residual estate as hereinafter bequeathed in Item IV of this my Last Will and Testament.

In the event that any property or my interest in any property passing under this Will, by operation of law or otherwise by reason of my death, shall be encumbered by a mortgage or lien, or shall be pledged to secure any obligation of mine, it is my intention that such indebtedness shall not be charged to or paid from my estate, but the devisee, legatee, or joint owner taking by survivorship shall take such property subject to all indebtedness existing at the time of my death. However, should my Executrix determine, in her sole and absolute discretion, that the payment

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of such indebtedness would be in the best interest of my estate, or necessary to effect an orderly administration of my estate, then I authorize my Executrix to pay such indebtedness in the same manner as other debts are herein provided for.

ITEM III

My wife, JANICE BROADUS SWEENEY, is now and always has been the owner of all furniture, furnishings, household goods, silverware, glassware, china, ornaments and personal goods located at our residence and I hereby acknowledge and confirm her ownership of all such items. All clothing, jewelry, personal effects and any automobiles owned by me at my death, (excluding cash, proceeds from life or other insurance, stocks and/or bonds or other securities), I hereby give and bequeath to my wife, JANICE BROADUS SWEENEY.

In the event my said wife should not survive me, then such property, together with all furniture, furnishings and household goods that I may inherit from my said wife, or otherwise own at my death, I hereby give and bequeath to my daughter, TERESA SWEENEY CROTHERS, and son, RICHARD DENIS SWEENEY, JR., share and share alike, or to the survivor in the event either should predecease me.

ITEM IV

If my wife, JANICE BROADUS SWEENEY survives me, then I give, devise and bequeath to her in fee all of the rest, residue and remainder of my property, be it real, personal or mixed, including all life insurance or other insurance proceeds which are payable to or come within my estate, after the deductions as provided for in Item II hereinabove.

In the event my said wife should predecease me, then I give, devise and bequeath all of such property to my children, TERESA SWEENEY CROTHERS and RICHARD DENIS SWEENEY, JR., share and share alike. In the event either of my said children predecease me and there be a child or children or such deceased child of mine living at my

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death, then such child or children shall take the share of my deceased child, taking by representation per stirpes. In the event there is no child or children of such deceased child of mine, living at my death, then the share of such deceased child of mine shall be distributed to my surviving child or to the child or to the children of my other child in the event he or she shall likewise predecease me.

ITEM V

Should my wife, JANICE BROADUS SWEENEY, and I die under such circumstances that there is not sufficient evidence to determine the order of our death, or if she shall die within a period of six (6) months after my death, then all bequests, devises and provisions made under my Last Will and Testament to or for her benefit shall be void and my estate shall be administered and distributed, in all respects, as though my said wife predeceased me. However, during the portion of such months that my wife shall actually survive me she shall have the right to the use and enjoyment as life tenant of the real and personal property devised and bequeathed to her herein.

IN WITNESS WHEREOF, I have hereunto set my hand this 3rd day of May, 1989, to this Will consisting of 4 typewritten pages, including this one, each of which bears my signature.

RICHARD DENIS SWEENEY

RICHARD DENIS SWEENEY signed the foregoing instrument in our presence, publishing and declaring it to be his Last Will and Testament, and as witnesses whereof we do now at his request, in his presence and in the presence of each other, hereto subscribe

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AFFIDAVIT

STATE OF TENNESSEE)
)
COUNTY OF DAVIDSON)

We, the undersigned, and each of us, being first duly sworn do hereby depose and say as follows;

That on the 3rd day of May, 1989, RICHARD DENIS SWEENEY, in the presence of each of us together and at the same time, appeared and declared that a certain paper writing, to which this affidavit is attached, to be his Last Will and Testament and requested that we witness his execution thereof;

That on said day and date, RICHARD DENIS SWEENEY was of sound mind and disposing memory;

That on said day and date, RICHARD DENIS SWEENEY signed this paper writing in our presence and in the presence of each of us;

That RICHARD DENIS SWEENEY requested us and each of us to sign the same as attesting witnesses at the same time and in his presence.

That I and each of us signed the paper writing as attesting witnesses in the presence of RICHARD DENIS SWEENEY and in the presence of each other and that my and each of our signatures appears thereon;

That RICHARD DENIS SWEENEY requested me and each of us to make this affidavit.

Janet C. Kirkman

Lon E. Green

Sworn to and subscribed to before me this 3rd day of May, 1989.

Robert L. Wyan
NOTARY PUBLIC

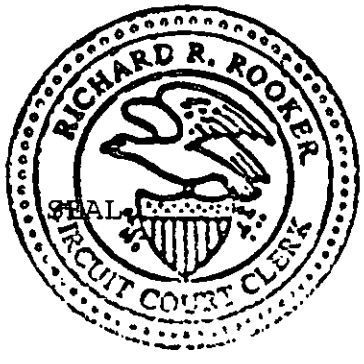
My Commission Expires: 3/3/92

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 17 day of APRIL , 2014 , in Case Number 14P561 between SWEENEY JR., RICHARD D. Petitioner, and SWEENEY, RICHARD DENIS 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 04 day of AUGUST 2014

RICHARD R. ROOKER, Clerk,



SEAL

By _____

Deputy Clerk