14P1060

FILED

JUL 10 2014

RICHARD R. ROOKER, Clerk
By _____ Deputy

LAST WILL AND TESTAMENT
OF
MYRTLE REBECCA BREWER

I, MYRTLE REBECCA BREWER, a resident of Nashville, Davidson County, Tennessee, being of sound mind and disposing memory, do hereby make, publish and declare this document as my Last Will and Testament. I hereby revoke all former wills and codicils heretofore made by me.

ARTICLE I
INTRODUCTORY PROVISIONS

1.1. I am unmarried and have three (3) adult daughters, CATHERINE PASCHALL, REBECCA GRIGGS, and HEIDI GRIGGS.

1.2. I nominate and appoint my sister, PAMELA D. BREWER as Executrix of this my Last Will and Testament. Should she refuse to serve, or be unable to serve, or pre-decease me, then I nominate and appoint, CATHERINE PASCHALL to serve as Executrix of this my Last Will and Testament. I direct that no bond shall be required of my Executrix.

1.3. Whenever the terms "Executor", "Executrix", "Guardian", "Trustee", or "Co-Trustee" are used herein, they shall be deemed to apply to the party or parties acting and any reference to such party or parties in one gender shall be deemed to mean the proper gender.

ARTICLE II
TANGIBLE PERSONAL PROPERTY

2.1. I may prepare a written memorandum concerning the disposition of Tangible Personal Property. I request that my wishes as set forth in this memorandum be observed. If no such memorandum is found within thirty (30) days following my death, then all of my Tangible Personal Property shall be distributed as otherwise provided in this Will.

Myrtle R. Brewer

BILL GARRETT, Davidson County
Trans:T20140057298 WILL
Recvd: 08/06/14 10:08 8 pgs
Fees:42.00 Taxes:0.00

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2.2 I bequeath to my Executrix all of my tangible personal property to divide among my children exercising her absolute discretion. If any of my daughters shall not agree, they shall receive nothing and the share that should have been for them shall be divided between my other daughters.

ARTICLE III
REAL PROPERTY

3.1. I give and devise to PAMELA D. BREWER, if she shall survive me, any interest which I own at the time of my death in the house and lot located at 502 Drake Avenue, Nashville, Tennessee 37211.

ARTICLE IV
SPECIFIC BEQUEST

4.1. I give, bequeath and devise to CATHERINE PASCHALL one (1) quilt set and one (1) tea set.

4.2. I give, bequeath and devise to REBECCA GRIGGS one (1) quilt set and one (1) tea set.

4.3. I give, bequeath and devise to HEIDI GRIGGS one (1) quilt set and one (1) tea set.

4.4. Should any of my daughters pre-decease me, her devise shall pass to her children. If, in the discretion of my Executrix, any of such property is not suitable for delivery, the Executrix may retain such property in safekeeping for future distribution, or may sell such property and add the proceeds to my residuary estate.

ARTICLE V
RESIDUARY ESTATE

5.1. I devise and bequeath all the rest of the remainder of my estate that I own at my death to my sister, PAMELA D. BREWER including all automobiles and real property. I trust that

Myrtle K. Brewer

PAMELA D. BREWER will ensure that my wishes for my daughters and grandchildren will be carried out as per our many discussions.

ARTICLE VI
ADMINISTRATIVE PROVISIONS

6.1. *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), my funeral expenses and the expenses of administration of my estate, both domiciliary and ancillary, 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.

6.2. Powers *of Executor.* The Executor, in the exercise of a reasonable discretion with respect to all property, real and personal, at any time forming a part of my estate, may exercise any and all of the powers that an Executor may exercise under the applicable laws of the State of Tennessee, including but not limited to the powers enumerated in *Tennessee Code Annotated Section 35-50-110* which are incorporated by reference as well as the powers granted in the Uniform Trust Code as adopted in Tennessee and any other powers granted in Title 35 of the Tennessee Code, even if such statute is amended or repealed hereafter and even if my estate is administered in a state other than Tennessee. I grant to my Executor the authority to appoint a resident Co-Executor if applicable law requires.

6.3. *Real Property.* Any real property 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.* So long as the Executor serves, the

Myrtle L. Brewer

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 signature, 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.

6.4. *Life Insurance.* The proceeds of any life insurance payable to my Executor 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 (but shall not be required to use) any portion of such proceeds as my Executor deems advisable for the payment of debts, expenses and taxes, but only if my Executor deems such use of the proceeds to be in the best interests of my legatees hereunder.

6.5. *Casualty Insurance.* Each casualty insurance policy covering an item of property passing under this Will passes with such property. The recipient of such property is not to be charged for any unearned premium already paid. If any insured item of property passing under this Will has been destroyed or damaged, the insurance proceeds recovered or recoverable therefrom are to be paid to the recipient of such damaged or destroyed item in place of any destroyed item and in addition to any damaged item.

6.6. *Waiver of Filings.* I waive the requirement that my Executor file an inventory or accounting of my estate with the court having probate jurisdiction over my estate. This waiver shall include, but not be limited to, the inventory as required by T.C.A. § 30-2-301, and the accounting as required by T.C.A. § 30-2-601, or any amendments or successors to such sections.

6.7. *Captions.* The captions and headings of this Will are for convenience only and shall not define or limit the provisions contained herein.

Myrtle L. Brewer

IN WITNESS WHEREOF, I sign this Will, consisting of this and the preceding four (4) printed pages, and for the purpose of identification, I have signed or initialed each page, all in the presence of the persons witnessing it, at my request, on this the 29 day of November, 2010, at Lebanon, Wilson County, Tennessee.

Myrtle R. Brewer
MYRTLE REBECCA BREWER

Signed, published and declared by MYRTLE REBECCA BREWER, being of sound mind and disposing memory, to be such person's Will in the presence and sight of us at one and the same time, and we, at such person's request and in such person's presence and in the presence of each other, have subscribed our names as witnesses, and we do hereby attest to the sound and disposing mind of MYRTLE REBECCA BREWER and to the performance of the aforesaid act of execution at the place and on the date hereinabove set out.

WITNESS:

Stacy Paris

ADDRESS:

3805 Old Hwy 25
Hartsville, TN 37074

Michele Gonis

922 Winston Ave
Lebanon, Tn. 37087

AFFIDAVIT

STATE OF TENNESSEE)
COUNTY OF WILSON)

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

1. We are adult citizens over the age of eighteen (18) and residents of Tennessee.

2. We witnessed the execution of the Will of MYRTLE REBECCA BREWER, dated the 29th day of November, 2010, to which this Affidavit is attached, and that this Affidavit is being made at the request of MYRTLE REBECCA BREWER and in accordance with the provisions of *Tennessee Code Annotated § 32-2-110.*

3. At the time of subscribing said Will, MYRTLE REBECCA BREWER, declared the instrument to be her Last Will and Testament, and we thereupon signed our names as witnesses at the end of said instrument at her request and in her presence and sight, and in the presence and sight of each other.

4. At the time we witnessed the Will, MYRTLE REBECCA BREWER was, in our opinion, of sound mind, memory and understanding and not under restraint or in any respect incompetent to make a Last Will and Testament.

Stacy Paris
Witness

Michelle Jones
Witness

Sworn to and subscribed before me by the two (2) persons whose signatures are affixed hereto on this 29th day of November, 2010.

Travenia A. Holden
NOTARY PUBLIC

My Commission Expires: 2-03-2013

TRAVENIA A. HOLDEN
STATE OF TENNESSEE NOTARY PUBLIC
WILSON COUNTY

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 10 day of JULY , 2014 , in Case Number 14P1060 between BREWER, PAMELA D. Petitioner, and BREWER, MYRTLE REBECCA 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 10 day of JULY 2014

RICHARD R. ROOKER, Clerk,

SEAL



By _____

Deputy Clerk