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

FILED
AUG 20 2014
BY RICHARD R. ROOKER Clerk
Deputy

IN THE MATTER OF:	)	
	)	
ESTATE OF	)	No. 14P-1273
CHARLES W. EVILCIZER,	)	
	)	
Deceased.	)	

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

This matter was before the Court on Aug. 20, 2014 upon the Petition of Karen K. Rippetoe ("Petitioner"), requesting that the last will and testament ("Will") of Charles W. Evilcizer ("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:

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 R. Kennedy Lyle

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:T20140062237 ORDER
Recvd: 08/22/14 09:25 10 pgs
Fees:52.00 Taxes:0.00
20140822-0076591

CERTIFICATE OF SERVICE

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

Juanita S. Evilcizer
3570 Brick Church Pike
Nashville, TN 37207

Michael W. Evilcizer
555 Brick Church Pike
Goodlettsville, TN 37072

Karen K. Rippetoe
3564 Brick Church Pike
Nashville, TN 37207

The Evilcizer Trust
Karen K. Rippetoe, Trustee
3564 Brick Church Pike
Nashville, TN 37207

Service Date: _____

Rob Hazard

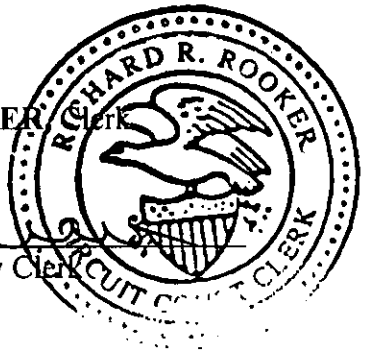
STATE OF TENNESSEE

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 Will for Establishing Muniment of Title to Real Estate heretofore assigned to Seventh Circuit Court (Probate Division) for Davidson County, Tennessee, Case No. 14P1273.

IN TESTIMONY WHEREOF, I hereunto subscribe my name and affix the seal of said Court, at office, in Nashville, the 20th day of August in the year Two Thousand and Fourteen.

RICHARD R. ROOKER, Clerk

By: _____
Deputy Clerk



14P1273

FILED
AUG 20 2014
RICHARD R. ROOKER, Clerk
By _____ Deputy

LAST WILL AND TESTAMENT

OF

CHARLES W. EVILCIZER

I, CHARLES W. EVILCIZER, domiciled in and a resident of Davidson County, Tennessee, make, publish and declare this to be my Last Will and Testament. I revoke all wills and codicils previously made by me.

ITEM I: Appointment of Executor. I appoint my spouse, , as Executor of this my Last Will and Testament, to serve without bond. If the Executor named above is unable or unwilling to serve, then I appoint my daughter, KAREN K. RIPPETOE, to serve as successor Executor, also without bond.

ITEM II: Appointment of Trustee. I appoint my spouse, as Trustee of the Trusts created under this my Last Will and Testament, to serve without bond. The successor Trustee shall be KAREN K. RIPPETOE. The Trustee may appoint a successor Trustee.

ITEM III: Payment of Debts, Expenses of Administration and Taxes.

A. Payment of Debts and Expenses of Administration. I direct that all my legally enforceable debts, any unpaid charitable pledges, my funeral expenses and the costs of administration of my estate be paid as soon as practicable after my death; provided, however, that my Executor is not required to pay any debt before it matures.

B. Payment of Taxes. All transfer, estate, inheritance, succession and other death taxes, together with any interest and penalty thereon (but not including any generation skipping transfer ("GST") tax, any tax on Qualified Terminable Interest Property ("QTIP"), or tax on excess retirement accumulations) payable by reason of my death shall be paid from my estate as an administration expense, without apportionment.

C. Use of Life Insurance Proceeds. I also direct that life insurance proceeds payable to my estate may be used for payments authorized under this Item.

ITEM IV: Bequests of Tangible Personal Property.

A. Handwritten List. I may leave a handwritten list, signed by me, to be probated with my Will, under which certain of my tangible personal property shall be distributed. If this writing is not found and identified by my Executor within thirty (30) days after the probate of my Will, then all of my personal property shall be distributed according to the remaining provisions of this Item.

B. Disposition of Tangible Personal Property. I give to my spouse all the rest of my automobiles and all other tangible personal property (except cash on hand or on deposit which is devised later) owned by me at the time of my death. If my wife

predeceases me, I give the automobiles and other tangible property including clothing and jewelry equally to my children, KAREN K. RIPPETOE and MICHAEL W. EVILCIZER.

ITEM V: The Evilcizer Trust. I give to my Trustee, named in Item II of this Will, in Trust, the maximum amount possible without there being payable any death taxes either to the Federal Government of the State of Tennessee. This sum shall be held, managed, invested and distributed according to the following provisions:

A. Disposition of Income and Principal. The Trustee map pay the net income to my wife or children at least quarterly for their lifetime for their health, maintenance or support and may encroach upon the principal for their health, maintenance or support, or the Trustee may accumulate the income.

B. Distribution of Income and Principal Following Spouse's Death. Upon the death of my wife or upon my death if my wife predeceases me, the assets shall be divided equally between my children, KAREN K. RIPPETOE and MICHAEL W. EVILCIZER.

C. Contingent Trust for Descendants. If any of my children die prior to receiving his or her entire Trust estate, then that child's share of the Trust shall be divided into shares for the then-living descendants, of my deceased child, per stirpes with one share to be held for the benefit of each such descendant. From each share, the Trustee is authorized to accumulate the net income (and to incorporate accumulated income into principal at least annually) or to pay or apply so much of the net income of the Trust in quarterly installments to the descendant who is the Trust beneficiary as the Trustee shall deem advisable, in its sole discretion. My Trustee is also authorized, in its sole discretion, to encroach upon the principal of a descendant's Trust in order to provide for his or her health, maintenance, support and education. Subject to the provisions of Item IX A, each descendant's Trust shall terminate upon the earlier of that descendant's death or his or her thirtieth (30^{th}) birthday. When each descendant's Trust terminates, the Trust properties shall be distributed to my descendant, in fee, if he or she is then living, or to his or her estate, if he or she is not then living.

D. Distribution of Trusts if Child has no Surviving Descendants. If a child of mine dies before receiving his or her Trust share in full and leaves no descendants surviving, then the share of said deceased child shall be held for the benefit of my other child who does survive, per stirpes, and shall be distributed to or for the benefit of my surviving child (or his or her descendants) at the time and in the manner provided for my children (or his or her descendants) to receive their own shares.

E. Ultimate Distribution of Trust if no Trust Beneficiaries. If I am survived neither by my wife nor by any children or other descendants, or if at the death of the last survivor of me, my wife, and my children, I have no then-living descendants, then, at such time, any property remaining in the Trust shall be distributed as follows: one-half (1/2) to my heirs at law and one-half (1/2) to my wife's heirs at law in accordance with the Tennessee laws of descent and distribution the in effect.

ITEM VI: The Marital Bequest. If my wife survives me, I devise and bequeath outright the balance of my estate. However, if there is a tax advantage to forming putting part of this bequest into a trust, I direct my Executor to set up that trust (for example, a Tennessee Gap Trust).

If There is Set Up a Trust Under this Provision:

A. Distribution of Income. The Trustee shall pay the entire net income from the Marital Trust to my wife for her lifetime, in quarterly or other convenient installments, but at least annually. Upon the death of my wife, any undistributed income received or accrued by the Marital Trust shall become part of my wife's estate and shall be distributed to her personal representative. Upon the death of my spouse or upon my death if my spouse predeceases me, the principal shall be distributed pursuant to The Evilcizer Trust.

B. Encroachment Upon Principal. In addition, I authorize my Trustee, in her/his sole discretion, to encroach upon the principal of the Marital Trust in order to provide funds for the adequate maintenance, health and support and estate planning of my wife alone, should her own personal income not be sufficient to make complete and adequate provision for her.

C. Trustee's Direction to Pay Taxes Allocated to Trust. Unless otherwise specifically directed by written instrument signed by my spouse, or by specific reference to this paragraph in his Will, then upon the death of my wife, the Trustee is directed to withhold from distribution an amount of property sufficient, in his judgment, to cover the tax liability, if any, that may be imposed upon the property in the Marital Trust as a result of the inclusion of the Trust assets in my wife's gross estate. When liability is determined, the Trustee shall pay such taxes.

D. Disposition of Marital Trust. Upon the death of my wife, the entire principal of this Trust shall become part of The Evilcizer Trust or be held and distributed in whole or in part as a separate Trust, in the discretion of my Trustee, but in all events, to be held, managed, invested and distributed according to the provisions of Item V.

E. Qualification for Marital Deduction. I intend that any part or all of the Trust shall qualify as a marital deduction if so elected by my Executor. Therefore I direct that my Executor and Trustee shall have no authority to exercise any power, discretionary or otherwise, that would disqualify the marital deduction under this Will. All provisions of this Will shall be construed to conform with this requirement and any provision not so conforming shall be considered void.

F. Disposition of Residuary Estate if Spouse Predeceases Me. If my wife does not survive me, then the provisions of this Item VI of my Will shall be of no effect and the property here disposed of shall then become part of The Evilcizer Trust, to be held, managed, invested and distributed according to its terms.

ITEM VII: Simultaneous Death Provision. If my wife, JUANITA S. EVILCIZER, and I die in circumstances under which there is insufficient evidence to determine the order of our deaths, then it shall be presumed that she survived me; and my estate shall be administered and distributed, in all respects, according to that presumption.

ITEM VIII: Statutory Powers Granted to Fiduciaries. I authorize my Executor and my Trustee (including any substitute or successor personal representative or Trustee) in the exercise of a reasonable discretion with respect to all property, real and personal, at any time forming part of my estate or any Trust, to exercise any or all the powers set forth in Section 35-50-110, Tennessee Code Annotated, 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 the statute on the date of the execution of this Will) are granted, notwithstanding that the statute may be amended or repealed after this Will is executed.

ITEM IX: Additional Fiduciary Powers and Limitations on Trust.

A. Perpetuities Savings Provision. Other provisions to the contrary notwithstanding, no Trust created in this Will shall continue beyond the time allowed by the Tennessee Statutes.

B. Spendthrift Provision. No part of any Trust created in this Will, nor the income therefrom, is to be subject to execution or other legal process for any obligation of a beneficiary or subject to the claims of creditors of a beneficiary in any manner, nor shall a beneficiary have the power to sell or mortgage or encumber the same, or any part thereof, nor anticipate the same, or any part thereof, by assignment or otherwise, except as authorized by the powers of appointment created in this Will.

C. Governing Law. The Trusts created by this Will are to be administered under the laws of the State of Tennessee.

D. Facility of Payment. Whenever income may be paid to a beneficiary, or whenever the Trustee is entitled to pay principal of the Trust to a beneficiary, income or principal may be paid to the beneficiary directly or to anyone else for the use or benefit of the beneficiary, as my Trustee shall deem proper. The receipt of the person to whom payments are made shall relieve my Trustee of liability for the payment, and such payments may be made without the intervention of a guardian or the approval of a court.

E. Commingling of Trusts. The Trustee is authorized to commingle the Trusts or shares created in this Will with any other Trusts for the purposes of investment and administration, provided that the Trustee shall maintain adequate records of each beneficiary's interest.

F. Limitation on Trustee Powers. No provision of this Will shall be construed to give a Trustee hereunder the authority to exercise any power granted hereunder to a Trustee which would be deemed as an exercise of a general power of appointment or for the purpose of discharging any obligation which the Trustee or any beneficiary might have, including a duty of support to any beneficiary.

G. Allocation of Assets Under This Will. In determining the amount to be allocated to each Trust or share created under this Will, my Executor shall make such selection; provided, however, that in determining these amounts, assets allocated to each such part of my estate shall be valued at the same amounts that are used in determining the federal estate tax imposed on the transfer of my estate. The assets allocated to each part of my estate must be fairly representative of the appreciation and depreciation (from the federal estate tax values) in the value of all property, real, personal or mixed, available for allocation. Assets allocated to the Marital Trust, if elected to qualify for the marital deduction, must be only assets which qualify for that deduction under applicable federal estate and state inheritance, estate or other death tax law.

H. Real Estate. I direct that all real estate that I may own shall be probate assets.

ITEM X: Definitions and Miscellaneous Provisions.

A. Definition of Code. Reference in this Will to the Code shall mean the Internal Revenue Code of 1986, as amended from time to time until my death.

B. Accountings and Bond. No fiduciary appointed under this Will shall be required to file an accounting or inventory with any court, nor shall any fiduciary be required to post bond. My Trustee shall account to each beneficiary at least annually.

C. Heading and Gender Designation. Paragraph headings are for convenience only; the content of the paragraph controls over the heading. Any reference to any party herein in whatever gender shall be deemed to mean the appropriate gender.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name to this my Last Will and Testament, consisting of this and four (4) preceding typewritten pages, and for the purpose of identification I have initialed each such page, all in the presence of the persons witnessing it at my request on this 13 day of March, 2014, at Nashville, Tennessee.

Charles W. Evilcizer

CHARLES W. EVILCIZER

The foregoing instrument was signed, published and declared by the said CHARLES W. EVILCIZER, as and for his Last Will and Testament on the day and year written above, in our presence and in the presence of each of us who, at his request, in his presence and in the presence of each other, have subscribed our names as witnesses this 13 day of March, 2014, at Nashville, Tennessee.

Cheryl Wesson residing at 111 Kenny's Bend, Carthage, Tn. 37030
~~3570 Brick Church Pk. Nash~~

Garvin Wesson residing at 111 Kenny's Bend
Carthage, Tn. 37030

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

AFFIDAVIT BY WITNESSES TO WILL

Each of the aforesaid witnesses, being Cheryl Wesson and Garvin Wesson, deposes and says that said witnesses subscribed to the foregoing Will of CHARLES W. EVILCIZER, executed on the 13 day of March, 2014, having been requested by the Testator to make and sign this Affidavit, and having first been duly sworn before the Notary Public whose name appears below, hereby states that the said CHARLES W. EVILCIZER was over eighteen (18) years of age, was of sound mind, declared the foregoing instrument to be his Last Will and Testament, published and executed it freely, without undue influence or coercion, by initialing each page and signing the final page in the presence of all of the witnesses who were all present at the same time, and that said witnesses, in his presence, at his request, and in the presence of each other, subscribed their names as witnesses on the 13 day of March, 2014.

Cheryl Wesson

Garvin Wesson

Sworn to and subscribed before me, this
the 13 day of MARCH, 2014

Sandra Mendrick
Notary Public

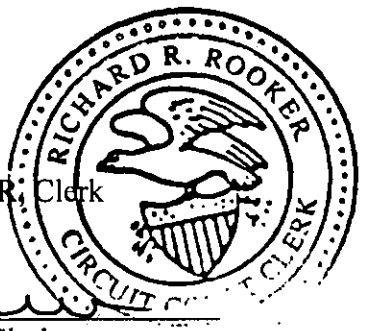
SANDRA MENDRICK
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY

My Commission Expires: 7-3-17

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. 14P1273.

IN TESTIMONY WHEREOF, I hereunto subscribe my name and affix the seal of said Court, at office, in Nashville, the 20th day of August in the year Two Thousand and Fourteen.



RICHARD R. ROOKER, Clerk

By: _____
Deputy Clerk