IN THE SEVENTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
(Probate Division)

FILED
SEP 25 2014
RICHARD R. ROOKER
By: D.C.

IN RE:)
)
ESTATE OF SAM CHANDLER NEAL,) No. 14P 1299
DECEASED)

ORDER

This cause came on to be heard this date on the sworn Petition of SAMUEL DAVID NEAL and it appears to the Court:

That the Decedent, SAM CHANDLER NEAL, age Eighty-four (84) years, died on April 16, 2013, and was on such date a resident of Davidson County, Tennessee.

That Decedent left a paper writing dated August 25, 2006, purporting to be Decedent's Last Will and Testament; that said paper writing names SAMUEL DAVID NEAL to serve as Personal Representative. That attached to said paper writing is the affidavit of the subscribing witnesses, Sonya Colvert and Robert K. Colvert, which was executed at the request of the Decedent pursuant to T.C.A. Section 32-2-110, and which Affidavit shows that said witnesses signed their names to said paper writing in the presence of the decedent and of each other, and on such date the decedent was, in their opinion, of sound mind and disposing memory, and was more than eighteen (18) years of age. That said paper writing waives bond for the personal representative. That the only assets of the decedent are one or more parcels of real property located in Davidson County, Tennessee, and municipally known as 5109 Amalie Drive, Nashville, Tennessee 37211, Parcel number 161 07 0 033.00, Legal Reference 00003311-0000385, described as follows:

Land in Davidson County, Tennessee, being Lot No. 87 on the Plan of McMurray Woods, Section One, as of record in Book 2900, Page 99, Register's Office for said County, to which said plat reference is hereby made for a more complete and detailed description of said lot.

BILL GARRETT, Davidson County
Trans:T20140077663 ORDER
Recvd: 10/15/14 11:12 10 pgs
Fees:52.00 Taxes:0.00
20141015-0095177

WHEREFORE, PREMISES CONSIDERED, IT IS ORDERED, ADJUDGED and DECREED THAT:

1. Said paper writing dated August 25, 2006, should be and it is hereby admitted to probate as the Last Will and Testament of SAM CHANDLER NEAL as a Muniment of Title;

2. No personal representative is appointed, it satisfactorily appearing that there are no personal assets requiring such appointment.

JUDGE

Date 9/4/25, 2014

APPROVED:

GAINES & ASSOCIATES PLLC

By: Katina H. Gaines /by permission

KATINA H. GAINES, #14853
Attorney for Petitioner
5214 Maryland Way, Ste. 402
Brentwood, TN 37027
(901)755-0075

I hereby certify that this is a true copy of original instrument filed in my office this 23rd day of Sept. 2014
RICHARD R. ROOKER Clerk
By _____ Deputy Clerk

RICHARD R. ROOKER
CIRCUIT COURT CLERK

14P1299

FILED

SEP 25 2014

DONALD H. ROOKER, Clerk

BY _____ Deputy

LAST WILL AND TESTAMENT

OF

SAM CHANDLER NEAL

Katina H. Gaines

GAINES & ASSOCIATES PLLC

ATTORNEYS AND COUNSELORS AT LAW

THE FORUM III
1770 KIRBY PARKWAY, SUITE 134
MEMPHIS, TN 38138
901-755-0075
866-755-0075

MARYLAND FARMS
5214 MARYLAND WAY, SUITE 402
BRENTWOOD, TN 37027
615-376-2623
866-755-0075

FILED
SEP 25 2014
By

LAST WILL AND TESTAMENT

OF

SAM CHANDLER NEAL

Introductory Clause. I, SAM CHANDLER NEAL, a resident of and domiciled in the County of Davidson and State of Tennessee, do hereby make, publish and declare this to be my Last Will and Testament, hereby revoking all Wills and Codicils at any time heretofore made by me.

I am married to DOLORES BECK NEAL.

I have three living children:

SAMUEL DAVID NEAL, born June 1, 1957;

TAMERA SUE NEAL, born May 12, 1959; and

KRISTI NEAL JONES, born December 30, 1965.

Any reference to my children, a child of mine, my descendants and my issue in this my Last Will and Testament is to my children, their descendants and their issue.

ARTICLE I

Direction to Pay Debts. I direct that all my legally enforceable debts, secured and unsecured, be paid as soon as practicable after my death. If at the time of my death any of the real property herein devised is subject to any mortgage, I direct that the devisee taking such mortgaged property shall take it subject to such mortgage and that the devisee shall not be entitled to have the obligation secured thereby paid out of my general estate.

ARTICLE II

I direct that:

(1) **Direction to Pay All Taxes from Residuary Estate.** Except as provided in (2) herein, all estate, inheritance, succession, death or similar taxes (except generation-skipping transfer taxes) assessed with respect to my estate herein disposed of, or any part thereof, or on any bequest or devise contained in this my Last Will (which term wherever used herein shall include any Codicil hereto), be paid out of my residuary estate and shall not be charged to or against any recipient, beneficiary, transferee or owner of any such property or interests in property included in my estate for such tax purposes.

(2) **Apportion Taxes on Nonprobate Property.** All such taxes in respect to any property or interests in property included in my gross estate under Sections 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, and 2044 of the Internal Revenue Code shall be charged against and paid by the recipient or beneficiary of such property or interest in property or from the property or interest in the property, provided, however: (a) there shall be no apportionment against any donee or recipient of any such property or interest in property which is a qualified charity under Section 2055 and the property or interest in property was allowed in my federal estate tax proceedings as a charitable deduction; (b) there shall be no apportionment against my surviving wife, if she is a donee or recipient of any such property or interest in property and the property or interest in property was allowed in my federal estate tax proceedings as a marital deduction under I.R.C. Section 2056. The amount of the tax to be charged against such donee or recipient shall be determined by multiplying a fraction (the numerator of which shall be the federal estate tax value of the property to be apportioned as finally determined in my federal estate tax proceedings and the denominator of which shall be the total value of my taxable estate for such federal estate tax purposes) times the net amount of such taxes payable by my estate after the application of all credits against such taxes.

ARTICLE III

General Bequest of Personal and Household Effects With a Precatory Memorandum. I give and bequeath all my personal and household effects of every kind including but not limited to furniture, appliances, furnishings, pictures, silverware, china, glass, books, jewelry, wearing apparel, boats, automobiles, and other vehicles, and all policies of fire, burglary, property damage, and other insurance on or in connection with the use of this property, to my wife, DOLORES BECK NEAL, if she shall survive me. If my wife shall not survive me, I give and bequeath all this property to my children surviving me, in approximately equal shares; provided, however, the issue of a deceased child surviving me shall take per stirpes the share their parent would have taken had he or she survived me. If my issue do not agree to the division of the property among themselves, my Personal Representative shall make such division among them, the decision of my Personal Representative to be in all respects binding upon my issue. I request that my wife, my Personal Representative and my issue abide by any memorandum by me directing the disposition of this property or any part thereof. This request is precatory and not mandatory. If any beneficiary hereunder is a minor, my Personal Representative may distribute such minor's share to such minor or for such minor's use to any person with whom such minor is residing or who has the care or control of such minor without further responsibility and the receipt of the person to whom it is distributed shall be a complete discharge of my Personal Representative. The cost of packing and shipping such property shall be charged against my estate as an expense of administration.

ARTICLE IV

Outright Gift of All Property to Wife, Contingent Gift to Issue. I give, devise and bequeath all the rest, residue and remainder of my property of every kind and description (including lapsed legacies and devises) wherever situate and whether acquired before or after the execution of this Will, absolutely in fee simple to my wife, DOLORES BECK NEAL, if she shall survive me. If she shall not survive me, then I give, devise and bequeath all of the property

to my surviving children in equal shares, provided, however, the then living issue of a deceased child of mine shall take per stirpes the share their parent would have taken had he or she survived me, or in default of such issue, per stirpes to my then living issue.

ARTICLE V

Naming the Personal Representative, Personal Representative Succession, Personal Representative's Fees and Other Matters. The provisions for naming the Personal Representative, Personal Representative succession, Personal Representative's fees and other matters are set forth below:

(1) **Naming an Individual Personal Representative.** I hereby appoint as Personal Representative of this my Last Will and Testament SAMUEL DAVID NEAL and direct that he shall serve without bond.

(2) **Naming Individual Successor or Substitute Personal Representative.** If my individual Personal Representative should fail to qualify as Personal Representative hereunder, or for any reason should cease to act in such capacity, the successor or substitute Personal Representative who shall also serve without bond shall be KRISTI NEAL JONES.

(3) **Final Succession If Individual Successor Personal Representative Cannot Act.** If my individual successor Personal Representative should fail to qualify as Personal Representative hereunder, or for any reason should cease to act in such capacity, then the successor or substitute Personal Representative who shall also serve without bond shall be TAMERA SUE NEAL.

(4) **Fee Schedule for Individual Personal Representative.** For its services as Personal Representative, the individual Personal Representative shall receive reasonable compensation for the services rendered and reimbursement for reasonable expenses.

(5) **Personal Representative Voting Rights.** If there is more than one Personal Representative serving, then the vote of the Personal Representatives for any action hereunder must be by majority action of the Personal Representatives.

ARTICLE VI

Definition of Personal Representative. Whenever the word "Personal Representative" or any modifying or substituted pronoun therefore is used in this my Will, such words and respective pronouns shall include both the singular and the plural, the masculine, feminine and neuter gender thereof, and shall apply equally to the Personal Representative named herein and to any successor or substitute Personal Representative acting hereunder, and such successor or substitute Personal Representative shall possess all the rights, powers and duties, authority and responsibility conferred upon the Personal Representative originally named herein.

ARTICLE VII

Powers for Personal Representative. By way of illustration and not of limitation and in addition to any inherent, implied or statutory powers granted to Personal Representatives generally and under the Fiduciaries' Powers Act, set forth in Section 91-9-101 of the Mississippi Code Annotated, or its equivalent, all of which provisions and powers are incorporated herein by reference as fully as if copied verbatim herein, together with amendments to such laws, my Personal Representative and Trustee are specifically authorized and empowered with respect to any property, real or personal, at any time held under any provision of this my Will: to allot, allocate between principal and income, assign, borrow, buy, care for, collect, compromise claims, contract with respect to, continue any business of mine, convey, convert, deal with, dispose of, enter into, exchange, hold, improve, incorporate any business of mine, invest, lease, manage, mortgage, grant and exercise options with respect to, take possession of, pledge, receive, release, repair, sell, sue for, to make distributions or divisions in cash or in kind or partly in each without regard to the income tax basis of such asset, and in general, to exercise all the powers in the management of my Estate which any individual could exercise in the management of similar property owned in his or her own right, upon such terms and conditions as to my Personal Representative may seem best, and to execute and deliver any and all instruments and to do all acts which my Personal Representative may deem proper or necessary to carry out the purposes of this my Will, without being limited in any way by the specific grants of power made, and without the necessity of a court order.

ARTICLE VIII

Discretion Granted to Personal Representative in Reference to Tax Matters. My Personal Representative as the fiduciary of my estate shall have the discretion, but shall not be required when allocating receipts of my estate between income and principal, to make adjustments in the rights of any beneficiaries, or among the principal and income accounts to compensate for the consequences of any tax decision or election, or of any investment or administrative decision, that my Personal Representative believes has had the effect, directly or indirectly, of preferring one beneficiary or group of beneficiaries over others; provided, however, my Personal Representative shall not exercise its discretion in a manner which would cause the loss or reduction of the marital deduction as may be herein provided. In determining the state or federal estate and income tax liabilities of my estate, my Personal Representative shall have discretion to select the valuation date and to determine whether any or all of the allowable administration expenses in my estate shall be used as state or federal estate tax deductions or as state or federal income tax deductions and shall have the discretion to file a joint income tax return with my wife.

ARTICLE IX

Appointment of Ancillary Representative. If it becomes necessary for a representative of my estate to qualify in any jurisdiction other than the State of my domicile at the time of my death, then to the extent that I may legally do so, I hereby appoint my Personal Representative named in this Will as my representative in such jurisdiction and direct that such Personal Representative shall serve without bond. If for any reason my Personal Representative is unable

or unwilling to serve as such representative or cannot qualify as such representative, then I hereby appoint my Personal Representative named herein to designate (to the extent that it may legally do so) a person or a corporation to serve as my representative and request that such person or corporation shall serve without bond. Any representative named as provided herein (to the extent that it may legally do so) shall have in such jurisdiction all the powers and duties conferred or imposed on my Personal Representative by the provisions of this Will.

ARTICLE X

Definition of Children. For purposes of this Will, "children" means the lawful blood descendants in the first degree of the parent designated; and "issue" and "descendants" mean the lawful blood descendants in any degree of the ancestor designated; provided, however, that if a person has been adopted, that person shall be considered a child of such adopting parent and such adopted child and his or her issue shall be considered as issue of the adopting parent or parents and of anyone who is by blood or adoption an ancestor of the adopting parent or either of the adopting parents. The terms "child," "children," "issue," "descendant" and "descendants" or those terms preceded by the terms "living" or "then living" shall include the lawful blood descendant in the first degree of the parent designated even though such descendant is born after the death of such parent.

The term "per stirpes" as used herein has the identical meaning as the term "taking by representation" as defined in the Tennessee Probate Code.

ARTICLE XI

Simultaneous Death Provision Presuming Beneficiary Predeceases Testator. Reverse Presumption as to Wife. If any beneficiary and I should die under such circumstances as would make it doubtful whether the beneficiary or I died first, then it shall be conclusively presumed for the purposes of this Will that the beneficiary predeceased me; provided, however, that if my wife shall die with me as aforesaid, I direct that she shall be conclusively presumed to have survived me.

ARTICLE XII

Contest Clause. If any person, including a beneficiary shall in any manner, directly or indirectly, attempt to contest or oppose the validity of my Last Will, including any amendments thereto, or commences or prosecutes any legal proceedings to set the aforementioned document aside, then in such event such shall forfeit his or her share, cease to have any right or interest in my estate, and shall be deemed to have predeceased me.

Testimonium Clause. IN WITNESS WHEREOF, I have hereunto set my hand this August 25, 2006.

Sam Chandler Neal
SAM CHANDLER NEAL

Attestation Clause. The foregoing Will was this August 25, 2006, signed, published and declared by the Testator as and for his Last Will and Testament in our presence, and we, at his request and in his presence, and in the presence of each other, have hereunto subscribed our names as witnesses on the above date.

Robert K Calvert
Witness

Sonja J Calvert
Witness

PROOF OF WILL

STATE OF TENNESSEE)
) Self-Proving Affidavit
COUNTY OF WILLIAMSON)

On the date above written, we, the undersigned witnesses, being first duly sworn, make oath that the Testator declared to us that the foregoing instrument was Testator's Last Will and Testament; that Testator signed said instrument in our presence; that we, at Testator's request and in Testator's presence, and in the presence of each other, then subscribed our names thereto as attesting witnesses; that at the time of execution, the Testator was more than eighteen (18) years of age, of sound mind and disposing memory, and did not appear under any undue influence; and that we, the undersigned, each being more than eighteen (18) years of age, made and signed this affidavit at the Testator's request.

Witness

Witness

Subscribed, sworn to, and acknowledged before me this August 25, 2006.

Notary Public for Tennessee

My Commission Expires:

KATINA H. GAINES NOTARY PUBLIC AT LARGE SHELBY CO. TN

Comm. Exp. 10-15-2007

RICHARD R. ROOKER CIRCUIT COURT CLERK