Copy

LAST WILL AND TESTAMENT

OF

Juanita Upchurch

FILED
NOV 20 2013
RICHARD R. ROOKER, Clerk
By _____ Deputy

13P1783

I, Juanita Upchurch, of the County of Davidson, and State of Tennessee, being of sound and disposing mind and memory, do hereby make, publish and declare this to be my Last Will and Testament, hereby revoking all Wills and Codicils previously made by me.

**ARTICLE I: DECLARATIONS**

I declare that I am a widow as of the date of this Will and that my husband, Herbert K. Upchurch, is deceased. I further declare that I have four (4) children, namely: Vonnie Biggs of Ashland City, Tennessee; James Upchurch of Ashland City, Tennessee; Michael Upchurch of Ashland City, Tennessee and Andrea Upchurch English of Franklin, Tennessee.

**ARTICLE II: REAL PROPERTY – This includes the house and farm at the address of 5014 Pine Valley Road, Ashland City, Tennessee 37015** plus Spring on property. 09/11/13
As well as Indian Cemetery (Burial Ground) on top of hill. 09/11/13
At the time of my death I bequeath the house, land and cemetery located at 5014 Pine Valley Road in Davidson County, Tennessee to

Michael Upchurch 50% and Andrea English 50%

**ARTICLE III: TANGIBLE PERSONAL PROPERTY – This includes contents of the house at address of 5014 Pine Valley Road, Ashland City, Tennessee 37015 and Ford Fiesta.**

I give all of the tangible personal property that I may own at the time of my death, which is not otherwise specifically bequeathed under this Will, including my personal effects, jewelry, household furniture and furnishings, garden and lawn furnishings and equipment, books, silver, art objects, hobby equipment and collections, wearing apparel, automobiles, and other personal articles, to

Michael Upchurch 50% and Andrea English 50%

BILL GARRETT, Davidson County
Trans:T20140088300 WILL
Recvd: 11/24/14 12:20 6 pgs
Fees:32.00 Taxes:0.00
20141124-0107984

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**ARTICLE IV: RESIDUARY ESTATE – Anything not specifically stated (Anything left out)**

All the rest, residue and remainder of the property that I may own at the time of my death, whether real, personal or mixed, of whatever kind and nature and wherever situated, including all property that I may acquire or become entitled to after the execution of this Will, or other gifts made by this Will that fail for any reason, but excluding any property over or concerning which I may have any power of appointment (all hereinafter referred to as my "residuary estate"), I give, devise and bequeath outright and free of any trust to **Michael Upchurch 50% and Andrea English 50%.**

**ARTICLE V: APPOINTMENT OF EXECUTORS**

A. I nominate and appoint **Michael Upchurch and Andrea English**

as Executors under this Will and, reposing special trust and faith in them, direct that no bond or other security be required for the faithful performance of their duties or, if bond is required, that sureties thereon be waived.

B. In addition to any other powers that may be conferred by law, I give my Executors under this Will, including any successor or successors thereto, those powers set forth in the Tennessee General Statutes, any of which may be exercised without the need for court order.

**ARTICLE VI: SURVIVORSHIP PRESUMPTION**

If any beneficiary under this Will fails to survive me by thirty (30) days, it shall be deemed for all purposes of this Will that such beneficiary did not survive me.

**ARTICLE VII: FORFEITURE PROVISION**

If any beneficiary named herein contests the admission of this Will into probate or institutes or joins in any proceedings as a plaintiff to contest the validity of this Will or any provision hereof (except in good faith and with probable cause), then all gifts, bequests and devises to such beneficiary shall lapse, and my estate shall be administered and distributed in all respects as though such beneficiary had not survived me.

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IN WITNESS WHEREOF, I have subscribed my name to this, my Last Will and Testament, consisting of 4 pages; and, for purposes of identification, I have initialed each preceding page in the presence of two persons witnessing at my request, this 11 day of September, 2013.

Juanita Upchurch

Signed, sealed, published and declared by the above named Juanita Upchurch, as and for her Last Will and Testament, in the presence of us, who, at her request, in her presence and in the presence of each other have hereunto subscribed our names as witnesses on the day and year last above written.

Edward Bentley of 5031 Pine Valley Rd Ashland City TN.

Jenny W Bentley of 5031 Pine Valley Rd, Ashland City, TN.

STATE OF Tennessee )

) ss.

COUNTY OF Davidson )

11 day of September, 2013.

We, the undersigned, being duly sworn, do depose and say that we witnessed the within Will of the within named Testatrix, Juanita Upchurch; that we subscribed the same in her presence, in the presence of each other, and at her request; that the said Juanita Upchurch, at the time of signing said Will appeared to us to be of full age and of sound and disposing mind and memory, and competent to make a testamentary disposition of real and personal property; that she voluntarily signed said Will and declared the same to be her Last Will and Testament in our presence; and that this affidavit is made at the request of the said Juanita Upchurch.

Andrea Englisch 9/11/13

Sept 09 2013

Subscribed and sworn to this _____ day of _____, 2013, before me.

_____

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2013 OCT 30 PM 12:53

RICHARD R. ROOKER, CLERK

D.C.

## AFFIDAVIT OF WITNESS TO PROVE WILL

STATE OF TENNESSEE )
COUNTY OF DAVIDSON )

Danny W. Bentley, after being duly sworn according to law, deposes and says:

1. That he is an adult resident of Davidson County, Tennessee, residing therein at 5031 Pine Valley Road, Ashland City, TN 37015

2. That he was a witness to the last will and testament of Juanita Upchurch, dated September 11, 2013, to which this affidavit is attached, and that this affidavit is being made at the request of the party named as the executor in said last will and testament and in accordance with Tennessee Code Annotated § 32-2-110.

3. That his signature is affixed to said last will and testament of the deceased, that he signed or affixed the same at the instance and at the request of the testatrix and in her presence and in the presences of the other attesting witness, Barbara A. Bentley, at the place and on the date of said last will and testament.

4. That the testatrix signed said paper writing as and for her last will and testament in his sight and presence and in the sight and presence of the other attesting witness.

5. That the other attesting witness, Barbara A. Bentley, likewise signed said paper writing at the request and in the presence of the testatrix and in the sight and presence of the affiant.

6. That at the time he witnessed said last will and testament he was of the opinion that the testatrix, Juanita Upchurch, was of sound mind.

And further affiant saith not.

Danny W. Bentley

THOMAS J. ELMLINGER NOTARY PUBLIC AT LARGE WILLIAMSON COUNTY

Subscribed and sworn to before me this 24 day of Oct., 2013.

Notary Public

My commission expires: 6-3-2014

Copy

FILED

2013 OCT 30 PM 12:53

RICHARD R. ROOKER, CLERK

D.C.

## AFFIDAVIT OF WITNESS TO PROVE WILL

STATE OF TENNESSEE )
COUNTY OF DAVIDSON )

Barbara A. Bentley, after being duly sworn according to law, deposes and says:

1. That she is an adult resident of Davidson County, Tennessee, residing therein at 5031 Pine Valley Road, Ashland City, TN 37015

2. That she was a witness to the last will and testament of Juanita Upchurch, dated September 11, 2013, to which this affidavit is attached, and that this affidavit is being made at the request of the party named as the executor in said last will and testament and in accordance with Tennessee Code Annotated § 32-2-110.

3. That her signature is affixed to said last will and testament of the deceased, that she signed or affixed the same at the instance and at the request of the testatrix and in her presence and in the presences of the other attesting witness, Danny W. Bentley, at the place and on the date of said last will and testament.

4. That the testatrix signed said paper writing as and for her last will and testament in her sight and presence and in the sight and presence of the other attesting witness.

5. That the other attesting witness, Danny W. Bentley, likewise signed said Paper writing at the request and in the presence of the testatrix and in the sight and presence of the affiant.

6. That at the time she witnessed said last will and testament she was of the opinion that the testatrix, Juanita Upchurch, was of sound mind.

And further affiant saith not.

Barbara A. Bentley

THOMAS J. ELMLINGER NOTARY PUBLIC AT LARGE WILLIAMSON COUNTY TN

Subscribed and sworn to before me this 24 day of Oct., 2013.

Notary Public

My commission expires: 6-3-2014

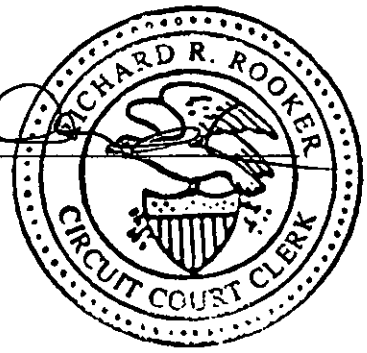
# STATE OF TENNESSEE

*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 filed in the SEVENTH Circuit Court for Davidson County, Tennessee, on the 20 day of NOVEMBER, 2013, in Docket Number 13P1783, IN RE: UPCHURCH, DORIS JUANITA, as same remains of record in the Minutes of said Court.*

*IN TESTIMONY WHEREOF, I hereunto subscribe my name and affix the seal of said Court, at office, in Nashville, the 24 day of NOVEMBER in the year 2014 and in the 238 year of American Independence.*

*RICHARD R. ROOKER, Clerk,*

*By:* _____
*Deputy Clerk*




[SEAL]