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Recvd: 10/09/15 15:29 7 pgs
Fees:37.00 Taxes:0.00
20151009-0103352

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By

# *LAST WILL AND TESTAMENT OF THERESA ANN BARNES*

I, **THERESA ANN BARNES**, of Milwaukee County, Wisconsin, being of sound mind and disposing memory and not acting under duress and menace, fraud or undue influence by any person whomsoever, hereby expressly revoke any prior Wills and codicils, and make this my Will.

## ARTICLE ONE
## PAYMENT OF EXPENSES AND TAXES

1. My personal representative shall pay from the residue of my estate:

   1.1. The expenses of my last illness and funeral, valid debts, expenses of administering my estate, including non-probate assets;

   1.2. Any estate taxes except to the extent paid from other sources, provided that the estate taxes paid by my personal representative shall be apportioned in accordance with the directions set forth in the General Governing Provisions.

## ARTICLE TWO
## SPECIFIC GIFTS

2. I make the following special gifts:

   2.1. If I have made one or more written lists which have been signed by me and otherwise prepared in accordance with the provisions of Wisconsin Statutes, Section 853.32, then I give the property described in such list or lists to the persons named in such lists who survive me. All tangible personal property not effectively distributed by the provisions of any such written list shall become a part of and be distributed in accordance with the residue of my estate.

## ARTICLE THREE
## RESIDUE

3. I give the residue of my estate, consisting of all property I can distribute by Will that is not effectively distributed by the preceding provisions of this Will, except any property over which I may then have a testamentary power of appointment, as follows:

THERESA ANN BARNES



325 North Corporate Drive Suite 100 Brookfield, Wisconsin 53045-5828 Phone: 262.792.1818 Fax: 262.792.1830
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3.1. In equal shares to my mother, **CELESTINE JOHNSON**, if she survives me and my mother's spouse, **FRANCIS JOHNSON**, if he survives me, or to the survivor of them; or

3.2. If any interest is not effectively distributed by the preceding provisions of this article, to my heirs-at-law, who shall be determined under, and take the shares prescribed by, Wisconsin statutes of intestate succession in force at the execution of this Will, applied as if I had died intestate.

3.3. Notwithstanding Article Two, Article Three or any other provisions of this Will my daughter, **DAHSHINDA CELESTE MCGRIFF**, and her heirs shall be omitted from this Will and shall not receive any distribution or inheritance under this Will.

## ARTICLE FOUR
## FIDUCIARY SELECTION

4. The following provisions shall apply to the selection of fiduciaries:

4.1. My personal representative shall be selected as follows:

4.1.1. I nominate my mother, **CELESTINE JOHNSON**, as my personal representative.

4.1.2. My nominated personal representative shall have the power to nominate an additional, substitute, or successor personal representative.

4.2. I nominate my mother, **CELESTINE JOHNSON**, as custodian, under the Wisconsin Uniform Transfers to Minors Act (or any Uniform Gifts to Minors Act). If the custodian named fails to serve, the fiduciary making distribution shall designate a custodian.

## ARTICLE FIVE
## FIDUCIARY PROVISIONS

5. The following shall apply to my fiduciaries:

5.1. Administrative Powers. My personal representative, in addition to all other powers conferred by law that are not inconsistent with those contained in this Will, shall have the power, exercisable without authorization of any court:

5.1.1. To sell at private or public sale, to retain, to lease, and to mortgage or pledge, any or all of the real or personal property of my estate;

5.1.2. To make partial distributions from my estate from time to time and to distribute the residue of my estate in cash or in kind or partly in each, and for this purpose to determine the value of property distributed in kind;

5.1.3. To settle, contest, compromise, submit to arbitration or litigate claims in favor of or against my estate;

Theresa Ann Barnes
THERESA ANN BARNES

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5.1.4. To make any tax election without reimbursement or adjustment between principal and income or in favor of any beneficiary, even if the election directly affects the value of any beneficiary's share;

5.1.5. To continue in the same form any unincorporated business or venture in which I was engaged at the time of my death, for such period as my personal representative deems advisable, or to incorporate such business and continue its operation in corporate form whether or not any probable distributee of such business objects to such retention, continuation or incorporation in my estate; and

5.1.6. To make any distribution to a person who is under the age of twenty-one (21), to a custodian for the benefit of such person under the Uniform Transfers to Minors Act or similar law, said custodian to be designated by my personal representative if a custodian is not named in this document or if the custodian named fails or declines to serve.

5.2. Administrative Provisions.

5.2.1. Informal Administration. I request that my estate be administered in as informal a manner as my personal representative deems advisable.

5.2.2. Waiver of Bonds. No bond or other indemnity shall be required of any personal representative nominated or appointed by me.

## ARTICLE SIX
## GENERAL GOVERNING PROVISIONS

6. In applying the provisions of this document, the following shall govern:

6.1. Definitions.

6.1.1. "Descendants" means all persons who are lineally descended from the person whose descendants are referred to, including legally adopted lineal descendants.

6.1.2. "Child" means a descendant of the first generation. As of the date of this document, my child's name is as follows: **DAHSHINDA CELESTE MCGRIFF**. All references to "my children" shall include any children of mine who are born or adopted after said date. However, **DAHSHINDA CELESTE MCGRIFF** and her heirs shall be omitted from this Will and shall not receive any distribution or inheritance under this Will.

6.1.3. "Per stirpes" means in equal shares among living children of the person whose descendants are referred to and the descendants (taken collectively) of each deceased child of such person, with such deceased child's descendants taking by right of representation the share of such deceased child.

6.1.4. "Surviving," with reference to another person surviving me, means that if such person dies within 120 hours after my death, such person shall be

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deemed not to have survived me. A person in gestation at the time of an event, who is later born alive and survives for 120 hours, is "living" or "surviving" at the time of such event.

6.1.5. "Tangible personal property" means tangible personal property including money having value in excess of the face value but excluding evidences of indebtedness, documents of title, securities and any other property used in a trade or business.

6.1.6. "Estate taxes" means any estate or other death taxes that become due because of my death, including any interest and penalties but excluding generation-skipping taxes, and also excluding the additional estate taxes imposed by Section 2032A(c) or Section 2057(f) of the Internal Revenue Code, including any interest and penalties imposed with respect thereto.

6.1.7. "Generation-skipping tax" means any tax imposed under Chapter 13 of the Internal Revenue Code or a similar state statute.

6.1.8. "Guardian" means a person or entity who is appointed by Will or a court to exercise some or all of the powers and duties conferred or imposed by law for the care of a minor or that minor's estate, or both.

6.2. Rules of Construction.

6.2.1. Governing Law. Except as altered by this Will, the law of the State of Wisconsin shall govern the meaning and legal effect of this Will and the administration of my estate. Except as otherwise provided, all references to applicable law and Wisconsin Statutes are to those in force on the date of my death and shall incorporate any amendments and successor provisions. References to the Internal Revenue Code are to the Internal Revenue Code of 1986 as amended. References to a particular section of the Internal Revenue Code shall incorporate any amendments and successor provisions.

6.2.2. Written Lists and Tangible Personal Property. To the extent that I may have written more than one list disposing of tangible personal property, the most recent written list shall control if there are inconsistent dispositions. If no such list is found by the later of (1) 60 days after the date of my death or (2) the date on which this Will is admitted to probate, any dispositions made by such a list shall abate to the extent that such property has been distributed by my personal representative.

6.2.3. Captions. Captions are for convenience only and are not intended to alter any of the provisions of this instrument.

6.2.4. Gender. Where appropriate, the masculine includes the feminine, the singular includes the plural, and vice versa.

6.2.5. Writing. The requirement that a person act in "writing" requires a dated written document signed by such person.

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6.3. Intentional Omission. I have intentionally limited gifts to my descendants to those provided in this Will. Any omission is intentional and not occasioned by accident or mistake.

6.4. Estate Taxes.

6.4.1. Except as provided below there shall be no apportionment of any estate taxes and I waive on behalf of my estate any right to recover any estate taxes from any recipient, including any recipient of property passing apart from this Will.

6.4.2. If my personal representative pays any estate taxes on qualified terminable interest property included in my estate under Section 2044 of the Internal Revenue Code or any comparable state statute, or incurs expenses in determining such taxes, then my personal representative shall seek reimbursement from the owners or recipients of the property.

6.4.3. If my personal representative pays any tax on excess retirement accumulations, then my personal representative shall seek reimbursement from the recipient of such accumulations.

I have signed this Will consisting of six (6) pages, this page and the following page or pages included, on the 13th day of June, 2014.

THERESA ANN BARNES, Testator

We certify that in our presence on the date appearing above in the State of Wisconsin, **THERESA ANN BARNES** signed the foregoing instrument and acknowledged it to be the Testator's Will, that at the Testator's request and in the Testator's presence and in the presence of each other, we have signed our names below as witnesses, and that we believe the Testator to be of sound mind and memory.

(Signature of witness #1) residing at Milwaukee, WI
City, State

(Signature of witness #2) residing at Milwaukee WI
City, State

THERESA ANN BARNES

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Self-Proved Affidavit

I, **THERESA ANN BARNES**, the Testator, sign my name to this instrument this 13th day of June 2014, and being first duly sworn, do declare to the undersigned authority that I sign and execute this instrument as my Will and that I sign it willingly (or willingly direct another to sign for me), that I execute it as my free and voluntary act for the purposes expressed in the Will, and that I am 18 years of age or older, of sound mind and under no constraint or undue influence.

THERESA ANN BARNES, Testator

We, Alyssa Bartok (Name of Witness #1) and Benjamin J. Wollman (Name of Witness #2) the witnesses, sign our names to this instrument, being first duly sworn, and declare to the undersigned authority that the Testator signs it willingly (or willingly directs another to sign it for the Testator); that each of us, in the presence and hearing of the Testator, hereby signs the Will as witnesses to the Testator's signing; that to the best of our knowledge the Testator is 18 years of age or older, of sound mind and under no constraint or undue influence.

Witness #1 (Signature)

Witness #2 (Signature)

STATE OF WISCONSIN )
) ss:
COUNTY OF Milwaukee )

Signed, sworn to, and acknowledged before me by **THERESA ANN BARNES**, the Testator, and subscribed and sworn to before me by Alyssa Lara Bartok (Print full name of witness #1) and Benjamin J Wollman (Print full name of witness #2), witnesses, this 13th day of June, 2014.

Cheryl A. Scherer
Notary Public or Other Official

Notary Stamp or Seal (or Other Title or Rank)

CHERYL A. SCHERER NOTARY PUBLIC STATE OF WISCONSIN

THERESA ANN BARNES

# 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 05 day of NOVEMBER, 2014, in Docket Number 14P1710, IN RE: BARNES, THERESA ANN, 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 04 day of SEPTEMBER in the year 2015 and in the 239 year of American Independence.*

*RICHARD R. ROOKER, Clerk,*

*By:* _____

*Deputy Clerk*

