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RICHARD R. ROOKER, Clerk
By _____ Deputy

LAST WILL AND TESTAMENT OF NELSIE R. MCKINNEY

Introductory Clause. I, **Nelsie R. McKinney**, a resident of and domiciled in the City of Nashville, 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. It is my will that the Lord take my soul and body and use me in his glory and when he is done with me on earth take me to himself.

I am married to **Henry Eugene McKinney**. I have one child, **Randolph E. McKinney**, date of birth, September 24, 1951.

ITEM 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.

ITEM II

Direction to Pay All Taxes from Residuary Estate. I direct that 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), or on any insurance upon my life or on any property held jointly by me with another or on any transfer made by me during my lifetime or on any other property or interests in property included in my estate for such tax purposes 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.

ITEM 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 husband, **Henry Eugene McKinney,** if he shall survive

me. If my husband shall not survive me, I give and bequeath all this property to my son, **Randolph E. McKinney**. If my son shall not survive me, I give and bequeath all this property in approximately equal shares to my granddaughters, **April D. McKinney and Tiffany H. McKinney**, and in the event that either or both of them should predecease me then to the issue of my granddaughters per stirpes the share that their parent would have taken had she survived me. My Executor should take into consideration the desires of my heirs in the distribution of this property. If they do not agree to the division of the property among themselves, my Executor shall make such division among them, the decision of my Executor to be in all respects binding upon my issue. I request that my husband, my Executor and my son and my heirs 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 Executor 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 Executor.

ITEM IV

Specific Devise of Residential Property. I give and devise to **Randolph E. McKinney**, if he shall survive me, any interest which I own at the time of my death in the house and lot which I occupy as my residence at the time of my death.

ITEM V

Bequest of Remainder of Estate to Son If He Survives Me. I give, devise and bequeath all of 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, to my son, **Randolph E. McKinney**, if he shall survive me. This bequest does not include my Individual Retirement Account. I understand that my IRA will pass outside of my probate estate and according to the terms of the agreement that I have with the Custodian of my IRA.

ITEM VI

Bequest of Remainder of Estate If My Son Does Not Survive Me. If my son, **Randolph E. McKinney**, does not survive me, then I give, devise, and bequeath all 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 to my granddaughters, **April D. McKinney and Tiffany H. McKinney**, and in the event that either or both of them should predecease me then to the issue of my granddaughters per stirpes the share that their parent would have taken had she survived me.

ITEM VII

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

(1) **Naming an Individual Executor**. I hereby nominate, constitute and appoint as Executor of this my Last Will and Testament **Henry Eugene McKinney** and direct that he shall serve without bond.

(2) **Naming Individual Successor or Substitute Executor.** If my individual Executor should fail to qualify as Executor hereunder, or for any reason should cease to act in such capacity, the successor or substitute Executor who shall also serve without bond shall be **Randoph E. McKinney**. If he should fail to qualify as Executor hereunder, or for any reason should cease to act in such capacity, then and in that event the Executors named below shall immediately become my Co-Executors.

April D. McKinney, Tiffany H. McKinney and Earline D. McKinney

If one or more of the Co-Executors should fail to qualify as Executor hereunder, or for any reason should cease to act in such capacity, the remaining Co-Executors may serve together or alone and shall also serve without bond.

(3) **Fee Schedule for Executor**. For its services as Executor my Executor shall receive reasonable compensation for the services rendered and reimbursement for reasonable expenses.

ITEM VIII

Definition of Executor. Whenever the word "Executor" or any modifying or substituted pronoun therefor 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 Executor named herein and to any successor or substitute Executor acting hereunder, and such successor or substitute Executor shall possess all the rights, powers and duties, authority and responsibility conferred upon my Executor originally named herein.

ITEM IX

Powers for Executor. By way of illustration and not of limitation and in addition to (i) any inherent, implied or statutory powers granted to Executors generally and (ii) the statutory powers provided in the introductory paragraph and thirty-three (33) subparagraphs of the Tennessee Code Annotated Section 35-50-110, as if the language thereof were incorporated in this Will verbatim, my Executor is 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 Executor may seem best, and to execute and deliver any and all instruments and to do all acts which my Executor 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.

Pursuant to Sections 30-2-301 and 30-2-601, of the Tennessee Code Annotated, I excuse the requirements for making and filing an inventory and court accounting of my probate estate.

ITEM X

Marital Deduction Savings Clause for Outright Bequest. It is expressly provided that the grant of rights, powers, privileges and authority to my Executor in connection with the imposition of duties upon my Executor by any provision of this my Will or by any statute relating thereto shall not be effective if and to the extent that the same, if effective, would disqualify the marital deduction as provided for herein. It is expressly provided that my Executor shall not in the exercise of its discretion make any determination inconsistent with the foregoing intention.

ITEM XI

Executor's Discretion in Making Payments to a Person Under Age Twenty-One, Incompetent, or Incapacitated Person. In case a bequest shall become payable to a person under the age of Twenty-one (21), or to a person under legal disability, or to a person not adjudicated incompetent, but who, by reason of illness or mental or physical disability, is, in the opinion of my Executor unable properly to administer such amounts, then such amounts shall be paid out by my Executor in such of the following ways as my Executor deems best: (1) directly to the beneficiary; (2) to the legally appointed guardian of the beneficiary; (3) to some relative or friend for the health, education, support or maintenance of the beneficiary; (4) by my Executor using such amounts directly for the beneficiary's care, support and education; (5) to a custodian for the beneficiary under the Uniform Gifts or Transfers to Minors Act.

ITEM XII

Discretion Granted to Executor in Reference to Tax Matters. My Executor 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 Executor believes has had the effect, directly or indirectly, of preferring one beneficiary or group of beneficiaries over others; provided, however, my Executor 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 Executor 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 husband.

ITEM XIII

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.

ITEM XIV

Simultaneous Death Provision Presuming Beneficiary Predeceases Testator. 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.

Testimonium Clause. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal this 9 day of June, 2000.

Nelsie R. McKinney (SEAL)
Nelsie R. McKinney

Attestation Clause. The foregoing Will was this 9th day of June, 2000, signed, sealed, 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.

William H. Tucker of Nashville, TN

Scott Sands of Nashville, TN

PROOF OF WILL

STATE OF TENNESSEE

COUNTY OF DAVIDSON

)
) Self-Proving Affidavit
)

We, **Nelsie R. McKinney**, and William H. Tucker and Scott Saunders, the Testator and the witnesses, respectively, whose names are signed to the attached or foregoing instrument, being first duly sworn, do hereby declare to the undersigned authority that the Testator signed and executed the instrument as his Last Will and that he had signed willingly (or willingly directed another to sign for him), and that he executed it as his free and voluntary act for the purposes therein expressed, and that each of the witnesses, in the presence and hearing of the Testator, and in the presence of each other, signed the Will as witness and to the best of our knowledge the Testator was at that time eighteen years of age or older, of sound mind, and under no constraint or undue influence.

Nelsie R. McKinney

Nelsie R. McKinney

Witness

Witness

Subscribed, sworn to, and acknowledged before me by **Nelsie R. McKinney**, the Testator and subscribed and sworn to before me by William H. Tucker and Scott Saunders, witnesses, this 9th day of June, 2000.

(Seal)
Notary Public for Tennessee

My Commission Expires: 11/24/02

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 on record, signed on the 3rd day of December, 2015, heretofore assigned to 7th Circuit Court for Davidson County, Tennessee, as Case No. 15P-1952 regarding:

The Estate of NELSIE R. MCKINNEY

As the remain 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 3rd day of December, 2015.

RICHARD R. ROOKER, Clerk

By: _____
Deputy Clerk

