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IN THE CHANCERY COURT FOR SUMNER COUNTY, TENNESSEE
PROBATE DIVISION

FILED ✓ REC
SUMNER CO. CHANCERY COURT
JAN 14 2016
CARLENE D. DAUGHTRY
CLERK & MASTER
BY: CD 3:30p
DEPUTY CLERK & MASTER

IN THE ESTATE OF:	)	
	)	
MARY ALMA HUDGINS JACKSON,	)	**NO. 2015-PR-550**
	)	
Decedent.	)	

ORDER OF PROBATE FOR MUNIMENT OF TITLE TO REAL ESTATE AND PERSONAL PROPERTY

This matter came to be heard on the 12th day of January, 2016, before the Honorable Louis W. Oliver, III, Chancellor, Chancery Court for Sumner County, Tennessee, Probate Division, and the Court finding as follows:

WHEREAS, the Petitioner, Jamie Hudgins Nicholson, produced documents purporting to be the Last Will and Testament of the Decedent, Mary Alma Hudgins Jackson, and by counsel, Debra A. Morton, moved the Court for the same to be admitted to probate and recorded as the Last Will and Testament of the Decedent for muniment of title to real estate and personal property, pursuant to T.C.A. §32-2-111, with no formal administration of the Estate being undertaken at this time; and

WHEREAS, it appearing the said Last Will and Testament was duly executed according to law on July 11, 2009; and

WHEREAS, it appearing to the Court that the Decedent died on October 26, 2015, and that Decedent's usual place of residence at the time of death was in Sumner County, Tennessee.

BILL GARRETT, Davidson County
Trans:T20160007241 ORDER
Recvd: 01/27/16 16:02 15 pgs
Fees:77.00 Taxes:0.00
20160127-0008021

IT IS THEREFORE ORDERED:

1. The instrument is the true, whole, and Last Will and Testament of the Decedent, Mary Alma Hudgins Jackson, and it is hereby admitted to probate as the Last Will and Testament of Decedent to be recorded for muniment of title to real estate and personal property;

2. The Decedent was not enrolled in the Tennessee TennCare Program at the time of her death. However, as the Decedent was over 55 years of age at the time of her death, pursuant to T.C.A. §71-5-116(c)(2), the Petitioner, by counsel, Debra A. Morton, will provide notice to the Bureau of TennCare of the Decedent's death. Upon receipt of the Release from the Bureau of TennCare stating that no amount is due, counsel will file the Release with the Clerk of the Probate Court for the Court's file;

3. Unless otherwise necessitated, no formal administration of the Estate is or shall be required; and

4. This matter shall be closed without further Order.

ENTERED this 14 day of Jan, 2016.

LOUIS W. OLIVER, III, CHANCELLOR

APPROVED FOR ENTRY:

DEBRA A. MORTON, #030879
110 West Main Street
Gallatin, Tennessee 37066
(615) 415-1472
DebraMortonLaw@aol.com

ATTORNEY FOR THE PETITIONER

STATE OF TENNESSEE
SUMNER COUNTY

I, Darlene D. Daughtry, Clerk & Master of said County, do hereby certify that the foregoing instrument contains a true and complete copy of Mary Alma Hudgins Jackson order to probate as same **appears of record or on the file in Book** 2015 **Page** 549-550 **of the records of the Chancery Court of Sumner County, Tennessee**
Given under my hand and seal this 21 **day of** Jan. **20** 16
DARLENE D. DAUGHTRY, Clerk & Master
By Darlene D. Daughtry **DC**

COMMERCE GALLATIN, TN

TAI

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was sent by U. S. Mail, postage prepaid, on this 14th day of January, 2016, to:

Mary Jacqueline Hudgins Lewis
2126 Wayside Drive
Manchester, Tennessee 37355

Julia May Hudgins Ghee
103 Bland Drive
Mt. Juliet, Tennessee 37122

Jamie Hudgins Nicholson
105 Diddle Court
Hendersonville, Tennessee 37075

Debra A. Morton

Debra A. Morton

FILED ✓ REC

IN THE CHANCERY COURT FOR SUMNER COUNTY, TENNESSEE
PROBATE DIVISION

CHANCERY COURT
DEC 23 2015
DARLENE D. DAUGHTRY
CLERK & MASTER
BY: DD 4:15pm
DEPUTY CLERK & MASTER

IN THE ESTATE OF:	)	
	)	
MARY ALMA HUDGINS JACKSON,	)	**NO.** 2015 PR 550 .
	)	
Decedent.	)	

PETITION TO PROBATE WILL
FOR THE LIMITED PURPOSES OF GRANTING LETTERS TESTAMENTARY
AND ESTABLISHING A MUNIMENT OF TITLE TO REAL ESTATE

Comes now the Petitioner, Jamie Hudgins Nicholson, and petitions this Honorable Court to admit the Last Will and Testament of the Decedent, Mary Alma Hudgins Jackson, for the limited purposes of (1) granting Letters Testamentary upon the estate of her Mother, Mary Alma Hudgins Jackson, deceased, to Petitioner; and (2) establishing a muniment of title to real estate, without the necessity of otherwise proceeding with administration. The Petitioner would show unto the Court as follows:

1. **DECEDENT.**

The Decedent, Mary Alma Hudgins Jackson, died on October 26, 2015, at the age of 81, at Portland, Tennessee. A certified copy of the Death Certificate is attached hereto as Exhibit 1. The Decedent's residence at the time of death was 134 Mitchell Road, Portland, Sumner County, Tennessee 37148.

2. **THE PETITIONER.**

The Petitioner, Jamie Hudgins Nicholson, is a daughter of the Decedent, and she was appointed as the Executrix of the Decedent's estate in Item VIII of the Will. Jamie Hudgins Nicholson accepts her appointment as Executrix of the Decedent's estate. Her address is 105 Diddle Court, Hendersonville, Tennessee 37075.

3. **THE WILL.**

The Decedent left a Last Will and Testament dated July 11, 2009. Petitioner affirms that a search has been made for a subsequently dated Will or Codicil executed by the Decedent, and no such Wills or Codicils have been found. The Petitioner is not aware of any instrument revoking the Will. The Petitioner believes the Will is duly signed, declared, published, and attested. The Petitioner believes the Last Will and Testament being offered for probate constitutes Decedent's Last Will and Testament. The original Last Will and Testament offered for probate is herewith presented to the Court for probate. A true and correct copy of the Last Will and Testament is attached hereto as Exhibit 2 to this Petition.

4. **VALUE. WAIVER OF SURETY BOND AND FILING OF INVENTORY, ACCOUNTING, AND FINAL SETTLEMENT.**

The approximate value of the gross estate (with beneficiaries listed) is $1,250,000.00. The approximate value of the personal property to be administered is $146,583.39. The requirement of a surety bond is waived in Item VIII of the Will. The requirement of filing an inventory, accounting, and final settlement is further waived in Item VIII of the Will.

5. **THE WITNESSES.**

The witnesses have signed the Affidavit that accompanies the Last Will and Testament, so that their testimony will not be required for probate.

6. **BENEFICIARIES.**

The names and addresses of the beneficiaries under the Will are as follows:

NAME	AGE	RELATIONSHIP TO THE DECEDENT	ADDRESS
Mary Jacqueline Hudgins Lewis	64	Daughter	2126 Wayside Drive Manchester, Tennessee 37355
Julia May Hudgins Ghee	58	Daughter	103 Bland Drive Mt. Juliet, Tennessee 37122
Jamie Hudgins Nicholson	53	Daughter	105 Diddle Court Hendersonville, Tennessee 37075

Notice of this Petition and hearing has been given to all beneficiaries at the time of filing.

7. **NEXT OF KIN.**

The names and addresses of the next of kin of the Decedent are as follows:

NAME	AGE	RELATIONSHIP TO THE DECEDENT	ADDRESS
Mary Jacqueline Hudgins Lewis	64	Daughter	2126 Wayside Drive Manchester, Tennessee 37355
Julia May Hudgins Ghee	58	Daughter	103 Bland Drive Mt. Juliet, Tennessee 37122
Jamie Hudgins Nicholson	53	Daughter	105 Diddle Court Hendersonville, Tennessee 37075

Notice of this Petition and hearing has been given to the next of kin at the time of filing.

8. **LETTERS TESTAMENTARY.**

The deceased, Mary Alma Hudgins Jackson, took great strides before her death to ensure that her assets would pass outside of her estate. It was her intent that a Petition to Probate for Muniment of Title would be the only requirement necessary for probating her estate. To that end, in June, 2015 -- four months before her death, she signed a new Power of Attorney giving her daughter, Jamie Hudgins Nicholson, as Agent, the power to take the necessary steps to ensure that all bank accounts, life insurance policies, and other non-real estate assets, listed the names of her three children, Mary Jacqueline Hudgins Lewis, Julia May Hudgins Ghee, and Jamie Hudgins Nicholson, as beneficiaries. A true and correct copy of the Power of Attorney is attached hereto as Exhibit 3 to this Petition. Jamie Hudgins Nicholson traveled to the various banks and financial institutions on two separate occasions – once in June, 2015, and once near the date of Mary Alma Hudgins Jackson's death in October, 2015 – to ensure that all three beneficiaries were listed on each and every account owned by Mary Alma Hudgins Jackson.

Unfortunately, even though contact had been made by Jamie Hudgins Nicholson, a SunTrust Bank account and two Farmers Bank accounts inadvertently failed to list the names of the three children, Mary Jacqueline Hudgins Lewis, Julia May Hudgins Ghee, and Jamie Hudgins

Nicholson, as beneficiaries. SunTrust Bank and Farmers Bank have indicated that, upon receipt of Letters Testamentary, the funds will be disbursed to the three daughters, Mary Jacqueline Hudgins Lewis, Julia May Hudgins Ghee, and Jamie Hudgins Nicholson. (Please see the Affidavit of Jamie Hudgins Nicholson attached hereto as Exhibit 4 to the Petition. Please see the Affidavit of Mary Jacqueline Hudgins Lewis attached hereto as Exhibit 5 to the Petition. Please see the Affidavit of Julia May Hudgins Ghee attached hereto as Exhibit 6 to the Petition.)

The account at SunTrust Bank and the two accounts at Farmers Bank are described as follows:

SunTrust Bank, Nashville
Account No. 3617250

The Farmers Bank
120 Village Drive
Portland, Tennessee 37148
Account No. 1556363
Account No. 1833898

9. CREDITORS.

The Petitioner, Jamie Hudgins Nicholson, has assisted with her Mother's finances, she has written and signed her Mother's checks, and she has paid her Mother's bills for the past several years. The Petitioner states to the Court there are no creditors. All of her Mother's debts have been paid. The Petitioner requests waiver of the Notice to Creditors, waiver of the Publication of the Notice to Creditors, waiver of any claims period, and waiver of any Notices and/or Affidavits that would normally be required to be filed related thereto. (Please see the Affidavit of Jamie Hudgins Nicholson attached hereto as Exhibit 4 to the Petition. Please see the Affidavit of Mary Jacqueline Hudgins Lewis attached hereto as Exhibit 5 to the Petition. Please see the Affidavit of Julia May Hudgins Ghee attached hereto as Exhibit 6 to the Petition.)

10. REAL PROPERTY.

The Decedent's real property passed at death to the three children, Mary Jacqueline Hudgins Lewis, Julia May Hudgins Ghee, and Jamie Hudgins Nicholson. The Decedent devised her real property equally to her three daughters, Mary Jacqueline Hudgins Lewis, Julia May Hudgins Ghee, and Jamie Hudgins Nicholson, in Item III to her Will. The Petitioner requests an Order establishing a muniment of title to real estate, so same can be recorded with the Register of Deeds' Offices to note the change of title to the three daughters, Mary Jacqueline Hudgins Lewis, Julia May Hudgins Ghee, and Jamie Hudgins Nicholson. The real estate is described as follows:

134 Mitchell Road
Portland, Tennessee 37148

2327 Ridgeland Drive
Nashville, Tennessee 37214

2314 Dundee Lane
Nashville, Tennessee 37214

416 Wanda Drive
Nashville, Tennessee 37214

11. TENNCARE.

The deceased, Mary Alma Hudgins Jackson, was not enrolled in the Tennessee TennCare Program at the time of her death. Please see the Affidavit of the Executrix/Personal Representative Regarding TennCare filed herewith.

12. PETITIONER PRAYS:

(a) That the Last Will and Testament of the Decedent be admitted into probate as such instrument;

(b) That the Affidavit of the subscribing witnesses be accepted by the Court;

(c) That the probate of the Will be granted and the same made of record for the limited purposes of (1) granting Letters Testamentary upon the estate of Mary Alma Hudgins Jackson to the Petitioner, and (2) establishing a muniment of title to real estate, without the necessity of otherwise proceeding with administration; and

(d) That the Petitioner be appointed as the Executrix of this estate, to serve in that capacity without the necessity of a surety bond;

(e) That the filing of the inventory be waived;

(f) That the filing of any accountings and final settlement be waived;

(g) That the Notice to Creditors, Publication of the Notice to Creditors, the claims period, and any Notices and/or Affidavits that would normally be required to be filed related thereto, be waived;

(h) That, based upon the Affidavit of the Executrix/Personal Representative Regarding TennCare, the Release from the Bureau of TennCare be waived;

(i) That, based upon the Affidavit of the Executrix/Personal Representative Waiving Tennessee Inheritance Tax Return, the filing of a Tennessee Inheritance Tax Return be waived;

(j) That the Petitioner be granted such additional relief as the Court may deem proper under the circumstances.

Respectfully submitted,

Jamie Hudgins Nicholson

JAMIE HUDGINS NICHOLSON, Petitioner

Debra A. Morton

DEBRA A. MORTON, #030879
110 West Main Street
Gallatin, Tennessee 37066
(615) 415-1472
ATTORNEY FOR THE PETITIONER

VERIFICATION

STATE OF TENNESSEE)
COUNTY OF Sumner)

On the 15th day of December, 2015, the Petitioner, Jamie Hudgins Nicholson, personally appeared before me and, after being duly sworn by me, deposed and said that the statements in the foregoing Petition are true to her knowledge, except as to matters therein stated to be on information and belief, and these matters she believes to be true.

Jamie M. Hudgins Nicholson
JAMIE M. HUDGINS NICHOLSON

Sworn to and subscribed before me this 15th day of December, 2015.

Debra A. Morton
NOTARY PUBLIC

My Commission Expires: 12/21/2015

DEBRA A. MORTON
NOTARY PUBLIC
STATE OF TENNESSEE
SUMNER COUNTY

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was sent by U. S. Mail, postage prepaid, on this 23rd day of December, 2015, to:

Mary Jacqueline Hudgins Lewis
126 Wayside Drive
Manchester, Tennessee 37355

Julia May Hudgins Ghee
103 Bland Drive
Mt. Juliet, Tennessee 37122

Jamie Hudgins Nicholson
105 Diddle Court
Hendersonville, Tennessee 37075

Debra A. Morton

Debra A. Morton

NOTICE OF HEARING

Notice is hereby given that a hearing on this Petition will be held on the 12th day of January, 2016, at 10:00 a.m., in the Chancery Court for Sumner County, Tennessee, Sumner County Courthouse, 100 Public Square, Third Floor, Gallatin, Tennessee 37066. You are not required to attend this hearing.

Last Will and Testament
of
MARY ALMA HUDGINS JACKSON

I, MARY ALMA HUDGINS JACKSON, of Sumner County, Tennessee, being of sound mind and disposing memory, do hereby make and publish this my Last Will and Testament, and I do hereby revoke any and all wills by me heretofore made.

ITEM I: I was married to Oscar Johnson Hudgins, now deceased, and I have the following adult children from said marriage: Mary Jacqueline Hudgins Lewis, Julia May Hudgins Ghee, and Jamie M. Hudgins Nicholson. I was also married to Ira W. Jackson, now deceased, and no children resulted from said second marriage.

ITEM II: I direct that all my debts, including funeral expenses and expenses of my last illness, be paid by my Executrix as soon after my death as is practicable. I further direct my Executrix to pay all the estate, inheritance, and succession taxes which shall become payable by reason of my death, whether in respect of property passing under this Will or otherwise, as an expense of administration, without apportionment.

ITEM III: I give, devise, and bequeath my property located at 134 Mitchell Road, Portland, Sumner County, Tennessee 37148, equally to my three daughters, Mary Jacqueline Hudgins Lewis, Julia May Hudgins Ghee, and Jamie M. Hudgins Nicholson. It is my desire and wish that the house be placed for sale and the proceeds from the sale be divided equally among my three daughters, Mary Jacqueline Hudgins Lewis, Julia May Hudgins Ghee, and Jamie M. Hudgins Nicholson.

I further give, devise, and bequeath any and all other real property that I may own equally to my three daughters, Mary Jacqueline Hudgins Lewis, Julia May Hudgins Ghee, and Jamie M. Hudgins Nicholson. It is my desire and wish that any and all such houses be placed for sale and the proceeds from such sales be divided equally among my three daughters, Mary Jacqueline Hudgins Lewis, Julia May Hudgins Ghee, and Jamie M. Hudgins Nicholson.

ITEM IV: I give, devise, and bequeath all of my personal belongings equally to my three daughters, Mary Jacqueline Hudgins Lewis, Julia May Hudgins Ghee, and Jamie M. Hudgins Nicholson.

ITEM V: I give, devise, and bequeath my automobile to my daughter, Jamie M. Hudgins Nicholson.

ITEM VI: I give, devise, and bequeath all of the rest and remainder of my estate, of every kind and character, equally to my three daughters, Mary Jacqueline Hudgins Lewis, Julia May Hudgins Ghee, and Jamie M. Hudgins Nicholson.

ITEM VII: In the event that Mary Jacqueline Hudgins Lewis, Julia May Hudgins Ghee, or Jamie M. Hudgins Nicholson predeceases me, then any and all hereinabove bequests to such deceased child shall be distributed to her children, EXCEPT that if Mary Jacqueline Hudgins Lewis predeceases me, it is my desire and wish that one-half (½) of her portion shall be distributed to her daughter, Jennifer Michelle Baril; however, it is my desire and wish that the other one-half (½) of her portion shall not be distributed to her daughter, Jana Herndon Edenfield, but, instead, such other one-half (½) of her portion shall be distributed to her grandchildren, Shelby Lynn Sink and Mary Katherine Blaire Sink. If such deceased daughter has more than one child, then her distribution will be divided equally between the children, except as previously set forth in this paragraph.

ITEM VIII: I hereby appoint my daughter, Jamie M. Hudgins Nicholson, to serve as Executrix of my estate and Will. In the event Jamie M. Hudgins Nicholson shall predecease me, or, for any reason, fail to qualify or cease to act as my Executrix, then I hereby appoint Mary Jacqueline Hudgins Lewis to serve as successor Executrix of my estate and Will. I further direct that my Executrix and successor Executrix shall be excused from making bond or filing an inventory or final settlement with any Court.

ITEM IX: I direct that my Executrix shall have broad discretion in the administration of my estate, without the necessity of Court approval. I grant unto my Executrix all powers that are allowed to be exercised by an Executrix or Personal Representative by the laws of the State of Tennessee.

ITEM X: If any part of this Will shall be declared invalid, illegal, or inoperative for any reason, it is my expressed intent that the remaining parts shall be effective and fully operative.

Signed by Testatrix: Mary Alma Hudgins Jackson

ITEM XI: I direct that this Will and the construction thereof shall be governed by the laws of the State of Tennessee.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name to this my Last Will and Testament, consisting of this and two (2) preceding typewritten pages, and for the purpose of identification, I have signed each such page at the bottom thereof, all in the presence of the persons witnessing it, at my request, on this the 11th day of July, 2009, at Portland, Tennessee.

Mary Alma Hudgins Jackson
MARY ALMA HUDGINS JACKSON
Testatrix

Signed by the said MARY ALMA HUDGINS JACKSON, the Testatrix, as and for her Last Will and Testament, in the presence of us, the undersigned, who, at her request and in her sight and presence, and in the sight and presence of each other, have signed our names hereto as subscribing witnesses, on this the 11th day of July, 2009.

Charles B Cummings
WITNESS SIGNATURE

Print Name: CHARLES B CUMMINGS

Address: 106 MITCHEL ROAD
PORTLAND TENN 37148

Kathleen P. Cummings
WITNESS SIGNATURE

Print Name: KATHLEEN P. CUMMINGS

Address: 106 MITCHEL ROAD
PORTLAND, TENN 37148

AFFIDAVIT

STATE OF TENNESSEE)
)
COUNTY OF SUMNER)

We, the undersigned, being first duly sworn, make oath that MARY ALMA HUDGINS JACKSON, on the day and date written in the foregoing instrument, declared and signified to us that this instrument is her Last Will and Testament; that she signed said instrument in our sight and presence; that we, at her request and in her sight and presence, and in the sight and presence of each other, then subscribed our names hereto as attesting witnesses; that at the time of execution, the Testatrix was more than eighteen (18) years of age, of sound mind and disposing memory, and did not appear under any undue influence; and that the undersigned, each being more than eighteen (18) years of age, make and sign this Affidavit at the Testatrix's request on this 11th day of July, 2009.

Charles B Cummings
WITNESS

CHARLES B CUMMINGS
Print Name

Kathleen P. Cummings
WITNESS

K.C. ~~CBH~~ KATHLEEN CUMMINGS
Print Name

~~SWORN TO AND SUBSCRIBED~~ before me, this 11th day of July, 2009.

Debra A. Morton
NOTARY PUBLIC

My Commission Expires:
11/26/2011

DEBRA A. MORTON
STATE OF TENNESSEE NOTARY PUBLIC
SUMNER COUNTY
My Commission Expires November 26, 2011