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Fees:47.00 Taxes:0.00
20160630-0067179

# STATE OF TENNESSEE

**I, RICHARD R. ROOKER,** Clerk of the Circuit Court for Davidson County, do hereby certify that the foregoing is a true and complete copy of the entire file heretofore assigned to Seventh Circuit Court (Probate Division) for Davidson County, Tennessee, Case No. 16P-990

LAST WILL AND TESTAMENT OF DIANE W. DIETRICH

**IN TESTIMONY WHEREOF,** I hereunto subscribe my name and affix the seal of said Court, at office, in Nashville, the 29th day of June in the year Two Thousand and Sixteen.

**RICHARD R. ROOKER,** Clerk

**By:** _____
Deputy Clerk

RICHARD R. ROOKER
CIRCUIT COURT CLERK

16p 990

# *Last Will and Testament of Diane W. Dietrich* ~~14P1399~~

I, Diane W. Dietrich, currently residing in Nashville, Davidson County, Tennessee, and a citizen of the United States of America, make and declare this document as my Will. I revoke all former wills and codicils.

FILED

JUN 29 2016

RICHARD R. ROOKER, Clerk
By _____ Deputy

## ITEM 1
## FAMILY

**1.A. Spouse.** I am married to William Dale Dietrich, who is referred to in this Will as my husband or as my spouse. If my spouse and I die under such circumstances that there is not sufficient evidence to determine the order of our deaths, then it shall be presumed that I survived my spouse, and my estate shall be administered and distributed in accordance with such presumption.

**1.B. Children.** I have TWO (2) children, William Jefferson Woody and Jason Warner Woody. References in this Will to child or children shall refer to them.

## ITEM 2
## SPECIFIC BEQUESTS AND TANGIBLE PERSONAL PROPERTY

**2.A. Specific Bequests.** I bequeath to those persons listed below the item or items specified. For bequests to my husband (if he survives me), it is my desire that he distribute or bequeath those items so that they remain in the family.

| Item | Source | To: |
|---|---|---|
| **Silver Items** | | |
| Silver Flatware-two sets and odd serving pieces | Diane's and Mary Haley Warner's | Jeff and Denise for Emily and Elizabeth |
| One tin box of odd pieces | | Irish pewter flask to be given to John Spanier if he survives me and wants it back. Remainder to Jason. |
| **Crystal Figurines, etc.** | | |
| Waterford Egg | | My husband if he survives me. |
| Waterford Vase 9" | | Cathy D'Antonio |
| Waterford Leaf With Dragonfly | Given to Diane from Bill | My husband if he survives me. |
| Swarovski Pineapple | Given to Diane from Jeff and Denise-from Hawaii | My husband if he survives me. |
| Lalique Owl | Given to Diane from Connie Woodworth | Jason Woody |
| Waterford Bunny | Given to Diane from Bill | Jack D'Antonio |
| Waterford Paperweight/Diamond Shape | | My husband if he survives me. |

Initials D.W.D.

**Jewelry, etc.**

| | | |
|---|---|---|
| Gold Plate Elgin 17 jewel pocket watch | Percy William Warner, Sr. (Diane's grandfather) | Jeff Woody |
| Gold watch, engraved from Avco | Given to Percy William Warner, Jr. for years of service to Avco | Jason Woody |
| Gold Wedding Band in case | Given to Percy Warner by Mary Warner 11/2/35 | Jason Woody |
| Gold Wedding Band-engraved inside "solid gold" | Elizabeth Besswick Starkey Warner | My husband if he survives me. |
| Gold Wedding Band that Diane wears | Elizabeth Besswick Starkey Warner | My husband if he survives me. |
| Sapphire and Diamond ring that Diane wears | Wedding ring from Bill | My husband if he survives me. |
| Two Diamond ring that Diane wears | Diamonds are from Mary Haley Warner's wedding ring | My husband if he survives me. |
| Diamond Solitaire in antique setting | Elizabeth Besswick Starkey Warner | My husband if he survives me. |
| Waterford Crystal and Silver Heart Pendant | Given to Diane from Bill | Kate D'Antonio |
| Gold Bangle Baby Bracelet | Diane's baby bracelet | My husband if he survives me. |
| Three Silver Dollars | Diane's since childhood | My husband if he survives me. |
| Two Diamond Pendants | Diamonds are from Mary Haley Warner's wedding ring | Emily Woody and Elizabeth Woody |
| Gold Coin-Engraved LBW | From Diane's Great Aunt, Lillian Belle Warner who lived from 1886 to 1957 | My husband if he survives me. |
| Sterling Silver Rosary | Given to Diane as a child | My husband if he survives me. |
| Rosary with Aqua Beads | Given to Diane as a child | My husband if he survives me. |
| Rosary from Percy-glow in the dark! | Percy's daily prayer routine | My husband if he survives me. |
| Sterling Silver Charm Bracelet | Diane's from High School Days | My husband if he survives me. |
| Sterling Silver 3/4" Bangle Bracelet | Belonged to Mary Haley Warner | My husband if he survives me. |
| Waterford Crystal Pendant-Round with silk cord | Given to Diane from Bill | My husband if he survives me. |
| Sterling Silver Danecraft Dogwood | Flower Pin | My husband if he survives me. |
| Two Rivers High School Ring | Diane's | My husband if he survives me. |
| Cameo in gold filled antique mounting | Elizabeth Besswick Starkey Warner | My husband if he survives me. |
| Gold, Pearl and Diamond Antique Slide 3/8" | Mary Haley Warner | My husband if he survives me. |
| Tiny Cross shaped white gold pendant with tiny diamond | This was mine when I was a child. | My husband if he survives me. |

**Misc. Items**

| | | |
|---|---|---|
| Nativity Set With Creche | Mary Haley Warner made the figures and Percy Warner made the creche circa 1960's | My husband if he survives me. |
| Hat Pin Tray Collection | | Amanda Melesa Smith |
| China Box Collection | | Victoria Evelyn Frazier |

Initials _____

| | | |
|---|---|---|
| Small Plate Collection | | Olivia Madelyn Frazier |
| Wedgewood Set-Plate, Clock and China Box with Lid | Given to Diane from Bill | Kate D'Antonio |
| Assorted Pins from Red Cross, Avco, etc. | All belonged to Percy Warner | My husband if he survives me. |
| Largemouth Bass Watercolor | By Diane | Jack D'Antonio |
| Diane's first communion dress and veil | | My husband if he survives me. |
| Electric "Button" Switch | An invention of Percy Warner | My husband if he survives me. |
| Gold and glass box | Belonged to my aunt Imelda Warner and had two little perfume decanters inside at one time. | My husband if he survives me. |
| Large plastic boxes of mementos | One is marked Warner and the other is marked Diane. These include my Dad's prayer book, lots of photos, etc. | My husband if he survives me. |
| "Lastic" Squalling Baby Doll - 1949 | My first doll. I had her body remade in the 70's. She used to cry when you turned her over again and again. | My husband if he survives me. |
| So-Wee Sunbabe - 1955 | We always called him Black Baby. He used to drink and wet. His head squeaks! | My husband if he survives me. |
| Lots of photos and precious documents! | Please remember that we have many family photos and documents on the computer! | My husband if he survives me. |
| **Attic Treasures!** | Some of my treasured items are in the attic in boxes | |
| Lamp-a china lamp with three dimensional roses on a brass base | This lamp was my mother's | My husband if he survives me. |
| Cup and Saucer-floral-Tirschewreuth- from Bavaria, marked Germany | Willene and Harry gave this to me | My husband if he survives me. |
| Cup and Saucer Blue and White | England? | My husband if he survives me. |
| Cup and Saucer- Blue and White Rosenthal/Rhapsody | This was given to me by my dear friend Connie Woodworth in the 1970's | My husband if he survives me. |
| US Military Shoe Brush, marked L-0854 | My uncle Bob, Robert Haley, my mother's brother | My husband if he survives me. |
| US Military Wool Blanket | My uncle Bob, Robert Haley, my mother's brother | My husband if he survives me. |
| Jeff and Jason's Sled | Used on many snow days in Missouri | My husband if he survives me. |
| Assorted hand painted china plates and desert sets | Hand painted by my mother | My husband if he survives me. |
| Multi-colored wool crochet afghan | My mother's cousin, Ona Lee Harper felt sorry for me and made this for me when I got a D on my report card and was grounded! | My husband if he survives me. |

Initials D.W.D.

| | | |
|---|---|---|
| Telescope and Tripod | My father and I used to star gaze at night. Ever the aviation fan, he gave this to me when I was about 10 years old. | My husband if he survives me. |
| Transistor Radio in original leather case | My gift from my dad when I was about 6 years old. My first radio! | My husband if he survives me. |
| Family Spinning Wheel | Please visit this family heirloom at TN State Museum in Nashville. It is in the Education Room and has been donated in memory of Mary Haley Warner. | This is not mine to bequeath, but please go see it. |

It is my desire that my husband be allowed to stay in my home for as long as he lives. However, I anticipate that there will still be a mortgage on the house at my death. Therefore, if my husband survives me, he may choose to remain in the house we both occupied as long as he pays rent equivalent to the mortgage payment, taxes, and insurance. He may pay this amount directly to the mortgage company (and/or county trustee and insurance company), or to my executor to use to pay the mortgage, insurance, and taxes. Upon my husband's death, or upon him ceasing to pay this rent and/or moving out of the house permanently, the house shall become part of my residuary estate.

**2.B. General Bequest.** I bequeath to my spouse, if my spouse survives me, all of my clothing, jewelry, personal effects, automobiles and all of my other tangible personal property used by me in a personal way, except for any items specifically bequeathed to another above or in any document described below in this Item.

If my spouse does not survive me, I bequeath the items of tangible personal property that would have otherwise passed to my spouse above, or to my spouse in Item 2.A., to my children who survive me, to be divided by them as they may agree, but if they cannot agree, my Executor, exercising an absolute and unlimited discretion, shall distribute the property to my children in as equal shares as possible.

After I sign this Will, I may leave a letter or other written document either in my own handwriting or signed by me or both addressing the distribution of certain items of my tangible personal property. If I prepare this document, I will keep it with my Will. If my Executor finds this document, it is my desire that the wishes expressed in such document be carried out.

All bequests under this Item or any document described above in this Item are contingent upon my owning the item or items bequeathed at my death and upon the recipient surviving me, unless I expressly provide otherwise.

## ITEM 3
## RESIDUARY ESTATE

Initials DWW

I devise and bequeath all the rest of the property I own at my death to my spouse, if my spouse survives me. If my spouse does not survive me, I devise and bequeath my residuary estate to my children in equal shares. If a child does not survive me and leaves descendants, those descendants will receive the deceased child's share. If a child does not survive me and leaves no descendants, the deceased child's share shall be distributed to my child or children who survive me (or to the descendants of any other child who is also then-deceased but leaves descendants).

If any person receiving a share of my residuary estate under this Item 3 is under the age of 25 years, the share for such underage person shall be distributed to an adult of the Executor's choosing (other than the Executor) to hold as custodian for such underage person pursuant to the Tennessee Uniform Transfers to Minors Act until such underage person is age 25, and the receipt of such custodian shall constitute complete acquittance of my Executor.

## ITEM 4
## EXECUTOR

I nominate the following persons to serve as the Executor of this Will, with such persons to act successively, in the order named:

1. William Dale Dietrich
2. William Jefferson Woody
3. Jason Warner Woody

To the extent permitted by applicable law, no Executor shall be required to furnish bond, file any inventory or file any accountings with respect to the performance of the Executor's duties.

Any person serving as Executor hereunder will render valuable services for which payment of a reasonable fee will be deserved. If any such person desires to be paid a fee, then I do not want any individual Executor to be required to seek approval of a fee from any Court or legatee of this Will. Accordingly, I authorize any individual person serving as Executor to receive and be paid a fee not to exceed one-half (1/2) of the fee that would be charged by Regions Bank, Nashville, Tennessee, in accordance with its fee schedule in effect at the time the fee is charged. Alternatively, the Executor may apply to the Probate Court in which my will is probated for a reasonable fee. If two or more individuals serve at the same time, they shall each receive an equal share of the fee as determined above, unless they agree to divide the fee otherwise.

Initials LOW.W

## ITEM 5
## ADMINISTRATIVE PROVISIONS

**5.A. Payment of Debts, Administration Expenses and Taxes.** All of my legally enforceable debts (except secured debts, which may be paid or retained in the discretion of the Executor, and if paid shall be without right of contribution from my spouse), my funeral expenses and the expenses of administration of my estate, both domiciliary and ancillary, shall be paid by my Executor as soon as practicable after my death. My Executor shall pay out of my residuary estate all estate, inheritance and other death 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.

**5.B. Life Insurance.** The proceeds of any life insurance payable to my Executor or my estate are to be free from the claims of creditors, and are to be held and distributed as provided by the terms of this Will. My Executor may use (but shall not be required to use) any portion of such proceeds as my Executor deems advisable, exercising a reasonable discretion, for the payment of debts, expenses and taxes, but only if my Executor deems such use of the proceeds to be in the best interests of my legatees and beneficiaries hereunder.

**5.C. Real Property.** Any real property I own at my death is to be administered as a part of my probate estate subject to the control of the Executor for purposes of administration, as authorized by Tennessee Code Annotated Section 31-2-103(a). So long as the Executor serves, the Executor shall have the same power over the title to real property as an absolute owner would have, including but not limited to the power to sell, mortgage, lease or otherwise convey any interest in any real estate without the joinder, consent or approval of any heir, legatee, beneficiary, court or other person, provided that in exercising such power the Executor shall be acting in a fiduciary, not an individual, capacity.

**5.D. Powers of Executor.** The Executor, in the exercise of a reasonable discretion with respect to all property, real and personal, at any time forming a part of my estate, may exercise any and all of the powers set forth in Tennessee Code Annotated Section 35-50-110, to the extent applicable, all of which provisions and powers are incorporated herein by reference (as set out in this statute on the date I sign this Will), even if this statute is amended or repealed hereafter and even if my estate is administered in a state other than Tennessee. I grant to my Executor the power and authority to appoint a resident Co-Executor if applicable law so requires.

**5.E. References to Executor.** For convenience, the Executor named in this Will (including any alternates) is sometimes referred to in the singular person and masculine gender, regardless of the number or gender of those actually named herein.

Initials D.W.D

**5.F. Distribution to Descendants.** Unless specifically provided otherwise herein, references to descendants shall include natural-born and adopted descendants. Distribution to the descendants of any deceased person under this Will shall be per stirpes.

**5.G. Captions.** The captions and headings of this Will are for convenience only and shall not define or limit the provisions contained herein.

**IN WITNESS WHEREOF,** I sign this Will, consisting of Seven (7) printed pages, and for the purpose of identification, I have signed or initialed each page, all in the presence of the persons witnessing it, at my request, on this the 17th day of March, 2011, at Nashville, Tennessee.

Diane W. Dietrich

**Diane W. Dietrich**

Signed and declared by Diane W. Dietrich, to be such person's Will in the presence of all of us at one and the same time, and we, at such person's request and in such person's presence and in the presence of each other, have subscribed our names as witnesses, and we do hereby attest to the sound and disposing mind of Diane W. Dietrich and to the performance of the aforesaid act of execution at the place and on the date hereinabove set out.

**WITNESSES:**

Debra Perenich

Signature

Debra Perenich

Print or Type Name

237 Old Hickory Blvd #102, Nashville TN 37221

Address

Signature

Barry Gist

Print or Type Name

237 Old Hickory Blvd #101 Nashville TN 37221

Address

**THIS WILL PREPARED BY:**

**Nick Perenich**
**Attorney at Law**
**237 Old Hickory Blvd.**
**Nashville, TN 37221**
615/662-2889

Initials DWD.

# AFFIDAVIT

STATE OF TENNESSEE )
)
COUNTY OF DAVIDSON )

The undersigned persons, after first being duly sworn according to law, depose and say:

1. They witnessed the execution of the Will of Diane W. Dietrich, dated the 17 day of March, 2011, to which this Affidavit is attached, and that this Affidavit is being made at the request of such person and in accordance with the provisions of Tennessee Code Annotated Section 32-2-110.

2. Their signatures are affixed to the Will, they signed the Will at the request of such person, and in the presence of such person, and in the presence of each other witness, at the place and on the date recited in said Will.

3. Diane W. Dietrich signed said paper writing as and for a Will in their sight and presence.

4. At the time they witnessed the Will, Diane W. Dietrich was, in their opinion, of sound mind.

Witness

Address 237 Old Hickory Blvd #102 Nashville TN 37221

Witness

Address 237 Old Hickory Blvd #101 Nasville TN 37221

Sworn to and subscribed before me by the two (2) persons whose signatures are affixed hereto on this 17 day of March, 2011.

Notary Public

NICHOLAS PEREWICH, JR
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY, TENN.

My Commission Expires: July 8, 2013