16P 1442

FILED

SEP 8 2016

RICHARD R. ROOKER, Clerk

By _____ D.C.

Last Will and Testament of
MARCIA PAULINE BESHEARS

I, **Marcia Pauline Beshears,** of Nashville, Tennessee, make this my Will and revoke all prior wills and codicils.

BILL GARRETT, Davidson County
Trans:T20160079797 WILL
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Article 1
Family

I am currently a widow and I have no children.

Article 2
Gifts at My Death

2.1 **Gift of Entire Estate.** I give my entire estate that I own at my death to my sister **Marilyn Sue Davis**. If my sister Marilyn Sue Davis does not survive me, I give my entire estate at my death to **Debra Kay Cipriano**. In the event Marilyn Sue Davis and Debra Kay Cipriano both do not survive me, I give my entire estate that I own at my death in equal shares to **Floyd Raymond Waits** and **Clare Jane Gowin**, per capita.

2.3 **Survivorship.** Only persons living on the 30th day after my death shall be deemed to have survived me for purposes of this Article.

Article 3
Executors

3.1 **Nomination of Executors.** I name as my executor the first of the following who is willing and able to act:

a) **Marilyn Sue Davis;**

b) **Debra Kay Cipriano;**

c) **Floyd Raymond Waits.**

3.2 **Waiver of Surety.** No security, surety, or bond shall be required of my executor. If permitted by law and if not inconsistent with the best interests of the beneficiaries as determined by my executor, the administration of my estate shall be independent of the supervision of any court.

3.3 **Powers of Executor.** I give my executor power, without authorization of any court:

a) **Retention.** To retain any property regardless of diversification and regardless of whether the property would be considered a proper estate investment; to continue or to permit the continuation of any business, incorporated or unincorporated, which I may

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own or in which I may have any interest at the time of my death for such period as my executor shall determine.

b) **Sale.** To sell at public or private sale, contract to sell, grant options to buy, convey, transfer, exchange, or partition any real or personal property of my estate for such price and on such terms as my executor sees fit;

c) **Real and Tangible Personal Property.** To make leases and subleases and grant options to lease, although the terms thereof commence in the future; to purchase, operate, maintain, improve, rehabilitate, alter, demolish, abandon, release, or dedicate any real or tangible personal property; and to develop or subdivide real property, grant easements, and take any other action with respect to real or tangible personal property that an individual owner thereof could take;

d) **Borrowing.** To borrow money from any lender (including my executor individually), extend or renew any existing indebtedness, and mortgage or pledge any property;

e) **Investing.** To invest in bonds, common or preferred stocks (including securities of any corporate fiduciary or of any affiliated corporation), notes, options, common trust funds, mutual funds, shares of any investment company or trust, or other securities, partnership interests, general or limited, joint ventures, real estate, or other property of any kind, regardless of diversification and regardless of whether the property would be considered a proper estate investment;

f) **Distribution; Determination of Value.** To distribute my estate in cash or in kind, or partly in each; to allocate or distribute undivided interests or different property or disproportionate interests to the beneficiaries, and to determine the value of any property so allocated or distributed; but no adjustment shall be made to compensate for a disproportionate allocation of unrealized gain for income tax purposes and no action taken by my executor pursuant to this subparagraph shall be subject to question by any beneficiary;

g) **Rights as to Securities.** To have all the rights, powers, and privileges of any owner of securities, including, but not limited to, the powers to vote, give proxies, and pay assessments; to participate in voting trusts, pooling agreements, foreclosures, reorganization, consolidations, mergers, and liquidations and, incident to such participation, to exercise or sell stock subscription or conversion rights;

h) **Conservation of Assets.** To take any action that an individual owner of an asset could take to conserve or realize the value of the asset and with respect to any foreclosure, reorganization, or other change with respect to the asset;

i) **Delegation.** To employ agents, attorneys, and proxies of all types (including any firm in which a relative of mine or his or her spouse is a partner, associate, or

employee or is otherwise affiliated) and to delegate to them any powers my executor considers advisable;

j) **Principal and Income.** To determine in cases not covered by statute the allocation of receipts and disbursements between income and principal; to establish out of income and credit to principal reasonable reserves for depreciation, depletion, and obsolescence; to amortize out of income any premium paid for interest-bearing obligations;

k) **Dealing with Fiduciaries.** To deal with, purchase assets from, or make loans to the fiduciary of any trust made by me or a trust or estate in which any beneficiary under my Revocable Trust has an interest, even though my executor is the fiduciary, and to retain any assets or loans so acquired, regardless of diversification and regardless of whether the property would be considered a proper estate investment; to deal with a corporation acting as executor under this will or a parent or affiliate company; to deal with the fiduciary of any other estate, trust, or custodial account even though the fiduciary is my executor;

l) **Compromising Claims.** To litigate, compromise, settle, or abandon any claim or demand in favor of or against my estate;

m) **Nominee Arrangements.** To hold any asset in the name of a nominee, in bearer form or otherwise, without disclosure of any fiduciary relationship;

n) **Liability Insurance.** To purchase liability and casualty insurance of any kind for the protection of the estate, including comprehensive liability insurance;

o) **Environmental Matters.** To inspect and monitor businesses and real property (whether held directly or through a partnership, corporation, trust, or other entity) for environmental conditions or possible violations of environmental laws; to remediate environmentally damaged property or to take steps to prevent environmental damage in the future, even if no action by public or private parties is currently pending or threatened; to abandon or refuse to accept property that may have environmental damage; and to expend estate funds to do the foregoing; and no action or failure to act by my executor pursuant to this subparagraph shall be subject to question by any beneficiary;

p) **Disclaimers.** To disclaim any property or interest on my behalf without court approval;

q) **Instruments.** To execute and deliver necessary instruments and give full receipts and discharges;

r) **Ancillary Executor.** To appoint any ancillary executor with the powers, and subject to the direction, of my executor; and

s) **Powers of Trustee.** To exercise any power now or hereafter conferred by the statutes of Illinois on the trustee of a trust having its situs in Illinois.

Article 4
Payment of Death Taxes, Expenses, and Debts

4.1 **Payments.** My executor shall make the following payments:

a) **Death Taxes.** All of my death taxes.

b) **Expenses.** All of my last illness, funeral, burial, costs of safeguarding and delivering tangible personal property, and estate administration expenses.

c) **Debts.** All of my debts, other than debts secured by life insurance, by an interest in a land trust or cooperative, or by real property.

4.2 **Source of Payments Generally.** My executor shall make all payments required under this Article from my estate remaining after distribution of any gifts of tangible personal property. Notwithstanding the preceding sentence, my executor shall pay from the disclaimed assets all generation-skipping transfer taxes on direct skip transfers of which I am the transferor occurring at my death as a result of a disclaimer.

4.3 **Apportionment and Reimbursement for Death Taxes and Expenses.** I do not waive any rights my executor has under Code Sections 2206, 2207, 2207A, and 2207B or any similar statutes of any state (or any comparable provisions in effect at my death), and I authorize my executor to take such actions as are necessary to obtain reimbursement under those Code Sections and states, including withholding distributions. I waive all other rights to reimbursement and apportionment.

4.4 **Tax Elections.** My executor may make elections under tax laws and employee benefit plans and may make allocations of any available GST exemption as my executor deems advisable. No adjustment shall be made between principal and income or in the relative interests of the beneficiaries to compensate for any such election or allocation.

Article 5
Definitions

5.1 **Balance of My Estate.** The "balance of my estate" means my estate reduced by any payments of expenses, debts, and death taxes required to be paid from my estate and any gifts of specific assets.

5.2 **Code.** References to Sections of the "Code" refer to the Internal Revenue Code of 1986, as amended from time to time, and include corresponding provisions of subsequent federal tax laws.

5.3 **Death Taxes.** "Death taxes" includes all estate, transfer, inheritance, and other succession taxes (including penalties and interest) imposed by reason of death, including any estate tax under Code Section 4980A(d). Death taxes shall not include generation-skipping transfer taxes imposed on any generation-skipping transfers other than direct skip transfers made at the decedent's death of which the decedent is the transferor.

5.4 **Incapacity.** A person shall be considered incapacitated if under a legal disability or unable to give prompt and intelligent consideration to financial affairs. The existence of the inability may be determined by a physician, and any person may rely on written notice of the determination. A person already acting as executor or trustee shall cease to act on incapacity.

5.5 **Qualified Corporation.** A "qualified corporation" means any bank, trust company, other corporate entity that is authorized to act as an executor or a trustee and that is not a related or subordinate party under Code Section 672(c) as to any beneficiary hereunder.

Article 6
Captions and Context of Terms

Captions shall have no impact or meaning as to the terms of the document. Singular and plural and masculine, feminine, and neuter shall be interchangeable as required or permitted in the context of this instrument.

Dated: 9-06-12

Marcia Pauline Beshears

Marcia Pauline Beshears

The testator, **Marcia Pauline Beshears,** signed this Will in our presence on the date it bears. Immediately thereafter, at the testator's request and in the testator's presence and in the presence of each other, we signed our names as witnesses. We certify that we believed the testator to be of sound mind and memory at the time of signing.

Witnesses

Martina Abdelmalek residing at 718 thompson lane
Nashville TN

Kenneth Shutt residing at 1722 Nassau St
Nashville TN

AFFIDAVIT OF WITNESS TO PROVE WILL

Personally appeared before me, the undersigned Notary Public,

Ken Shields, who, on his or her oath or affirmation, deposes and says:

1. That I am the witness whose name is signed to the Last Will and Testament of Marcia Paulene Beshears;

2. That Marcia Paulene Beshears, the testator, in my presence, signed the Will willingly after declaring it to be her Last Will;

3. That I, as witness, signed and witnessed the Will in the presence of the testator and in the presence of the other witness;

4. That it is my belief that the testator was of sound mind and memory and under no constraint or undue influence whatsoever when she signed her Will; and

5. That I, as witness, and the testator are both at least eighteen (18) years of age.

Kenneth Shields
Witness

State of Tennessee

County of Davidson

Subscribed and sworn to before me, this the 6 day of September, 2012.

DOUGLAS R. SIPES
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY, TENNESSEE

Douglas R. Sipes
Notary

Douglas R. Sipes
Commission Expires
November 4th 2013

AFFIDAVIT OF WITNESS TO PROVE WILL

Personally appeared before me, the undersigned Notary Public,

Martina Abdelmalek, who, on his or her oath or affirmation, deposes and says:

1. That I am the witness whose name is signed to the Last Will and Testament of Marcia Paulene Beshears;

2. That Marcia Paulene Beshears, the testator, in my presence, signed the Will willingly after declaring it to be her Last Will;

3. That I, as witness, signed and witnessed the Will in the presence of the testator and in the presence of the other witness;

4. That it is my belief that the testator was of sound mind and memory and under no constraint or undue influence whatsoever when she signed her Will; and

5. That I, as witness, and the testator are both at least eighteen (18) years of age.

Martina Abdelmalek
Witness

State of Tennessee

County of Davidson

Subscribed and sworn to before me, this the 6 day of September, 2012.

DOUGLAS R. SIPES
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY, TENNESSEE

Douglas R. Sipes
Notary

Douglas R. Sipes
Commission Expires
November 4th 2013

I hereby certify that this is a true copy of the foregoing instrument filed in my office this 2nd day of August 2012
RICHARD R. ROOKER Clerk
By Deputy Clerk

RICHARD R. ROOKER
CIRCUIT COURT