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20161221-0134470

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 ORDER heretofore filed in the SEVENTH Circuit Court for Davidson County, Tennessee, on the 10 day of APRIL, 2012, in Docket Number 11P1732, IN RE: TAYLOR, BUFORD (TUW), 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 20 day of DECEMBER in the year 2016 and in the 240 year of American Independence.

RICHARD R. ROOKER, Clerk,

By: _____
Deputy Clerk

[SEAL]

RICHARD R. ROOKER
CIRCUIT COURT CLERK

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FILED

IN THE SEVENTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE, PROBATE DIVISION

2012 APR 10 PM 1:40

In Re:	)	
	)	
Estate of Buford Taylor,	)	
Decedent,	)	**No. 11P1732**
	)	
Gerald Huffman and	)	
Dorothy Jean (Riley) Hale,	)	
Petitioners.	)	
	)	
v.	)	
	)	
SunTrust Bank, Successor Trustee.	)	

ORDER GRANTING PARTIAL JUDGMENT ON THE PLEADINGS

This matter came before the Court on March 23, 2012 on the motion filed under Tennessee Rule of Civil Procedure 12.03 for partial judgment on the pleadings.

The motion was filed by David Lyons, Esq., counsel to the conservator for Thomas Taylor, Jr. Cyrus L. Booker, Esq., the Guardian ad litem for Thomas Taylor, Jr., filed a report in Case No. 12P-234 which expressed the opinion of the Guardian ad litem that the motion should be granted.

The motion was opposed by Alfred Sanders, Jr., counsel to disputed contingent remainder beneficiaries Julie Frankenfield, Thomas Hamer, Jr., Carol Ann Hamer and Mary Elizabeth Hamer.

SunTrust, the Trustee of the Buford Taylor Trust, represented by Mr. Abelow, did not file a response to the motion. Contingent remainder beneficiaries Gerald Huffman and Dorothy Jean (Riley) Hale, represented by Ms. Boone and Mr. Parks, did not file a response to the motion.

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At the hearing, the Court heard argument from Mr. Lyons, Mr. Sanders, Mr. Booker, and Mr. Abelow. Mr. Parks was present but did not argue.

The Court has considered: (a) the plain and unambiguous language of the Last Will and Testament of Buford Taylor; (b) the plain and unambiguous language of the Court's Order of January 8, 2001 in Case No. 00P-775, which Order was an Agreed Order signed by Mr. Sanders; (c) the plain and unambiguous language of the Court's Order of September 18, 2001 in Case No. 00P-775, which Order denied Mr. Sanders's motion to reconsider the relevant portions of the January 8, 2001 Order under Rule 60; (d) SunTrust's Request for Instructions, under T.C.A. § 35-15-201, as to the provision to be made for Thomas Taylor, Jr., (e) the argument of counsel; and (f) the pleadings as a whole.

After that consideration, the Court determines that the issue concerning the provision to be made for Thomas Taylor, Jr. presented by SunTrust's Request for Instructions is one of law, as the language of the Last Will and Testament of Buford Taylor concerning Thomas Taylor, Jr., is plain and unambiguous. The Court also finds that the Court's prior Orders of January 8, 2001 and September 18, 2001, are plain and unambiguous, and have sat undisturbed for more than ten years.

Accordingly, the Court GRANTS the motion for partial judgment on the pleadings and ORDERS and INSTRUCTS SunTrust and any successor trustee of the Buford Taylor Trust (the "Trustee") as follows:

(1) The Trustee shall retain the home located at 4512 South Trace Boulevard, Old Hickory, TN 37138 (the "South Trace Residence") as an asset of the Buford Taylor Trust until the death of Thomas Taylor, Jr., or until he is no longer able to reside there, at which point the

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Trustee may sell the South Trace Residence and distribute the proceeds to the beneficiaries of the Buford Taylor Trust;

(2) Thomas Taylor, Jr. shall have a life estate in the South Trace Residence;

(3) The Trustee shall not charge rent for the South Trace Residence to Thomas Taylor, Jr. or his conservator or his conservator's family so long as the conservator also resides there.

(4) The Trustee shall set aside from the rest of the Trust $150,000.00 for the sole benefit of Thomas Taylor, Jr. This $150,000 shall continue to be held in the Trust, and the Trustee may exercise its discretion as to how best accomplish this setting aside (*e.g.*, whether to create a separate account, or an administrative division, *etc.*).

(5) To the extent that it is deemed advisable by the Trustee to use Trust monies to maintain the South Trace Residence for the benefit of Thomas Taylor, Jr., any such use shall be solely from the $150,000.00 set aside for Thomas Taylor, Jr. Nothing in this Order alters the terms of the Last Will and Testament with regard to the Trustee's discretion in making disbursements from the Trust's income or corpus for the benefit of Thomas Taylor, Jr. (including maintenance of the South Trace Residence).

(6) The Court's resolution of the issue of what provision is to be made for Thomas Taylor, Jr. under the Last Will and Testament leaves for trial the separate issue of whether Mr. Sanders's clients are beneficiaries. That issue remains for trial on August 20, 2012, pursuant to the Scheduling Order entered on February 27, 2012. All provisions of the February 27, 2012 Scheduling Order remain in effect.

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It is so ORDERED.

Entered this 10 day of Dec, 2012

Honorable Randy Kennedy

Submitted for Entry:

Michael G. Abelow (No. 26710)
SHERRARD & ROE, PLC
150 3rd Avenue South, Suite 1100
Nashville, Tennessee 37219
Phone: (615) 742-4200
Fax: (615) 742-4539

Counsel for SunTrust Banks, Inc.

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CERTIFICATE OF SERVICE

I certify that a true and exact copy of the foregoing has been served via United States Mail and email on this 28th day of March, 2012 upon the following:

Brock Parks, Esq.
611 Commerce Street
The Tower, Suite 3000
Nashville, TN 37203

Beth Boone, Esq.
3528 Darien Hwy., Suite 300
Brunswick, GA 31525

David B. Lyons, Esq.
1201 A 7th Avenue North
Nashville, TN 37208

Alfred E. Sanders, Jr., Esq.
SANDERS & ASSOCIATES
4503 ½ W. DeYoung Street, Suite A
Marion, IL 62959

Lewis William Hammers (Mail Only)
00455389
c/o Whiteville Correctional Facility
P.O. Box 679
Whiteville, Tennessee 38075

Michael G. Abelow

STATE OF TENNESSEE

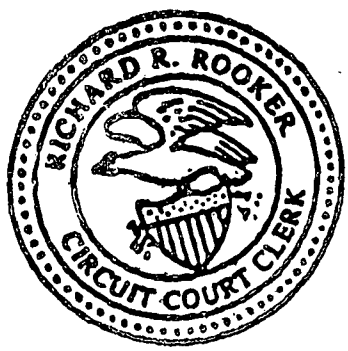
I, RICHARD R. ROOKER, Clerk of the Circuit Court for Davidson County, in the State aforesaid, do hereby certify that the foregoing is a true and correct copy of the ORDER heretofore filed in the SEVENTH Circuit Court for Davidson County, Tennessee, on the 05 day of JUNE, 2014, in Docket Number 11P1732, IN RE: TAYLOR, BUFORD (TUW), 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 20 day of DECEMBER in the year 2016 and in the 240 year of American Independence.

RICHARD R. ROOKER, Clerk,

By: _____
Deputy Clerk

[SEAL]



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FILE

IN THE SEVENTH CIRCUIT COURT FOR DAVIDSON COUNTY TENNESSEE
AT NASHVILLE

2014 JUN -5 PM 3:20

RICHARD R. ROOKER, CLERK

IN RE:	)	
	)	
ESTATE OF BUFORD TAYLOR,	)	
Decedent,	)	Case No.: 11P1732 D.C
	)	
GERALD HUFFMAN and	)	
DOROTHY JEAN (RILEY) HALE,	)	
Petitioners.	)	
	)	
v.	)	
	)	
SUNTRUST BANK, Successor Trustee.	)	

FINAL ORDER

This case was tried on May 14, 2014 before this Court sitting without a jury. The Court made its ruling from the bench, and that ruling is attached as Exhibit A and hereby incorporated into this Order and along with this Final Order shall operate as the Court's findings of facts and conclusions of law in this matter. It is the opinion of this Court that:

1. Buford Taylor died on January 23, 1977. His estate included farm land and a few hundred acres on Stones River Road in Davidson County. His will established a trust naming his wife, Mary Taylor, as trustee and beneficiary.

2. As Trustee of the Buford Taylor Trust, Mary Taylor was authorized to operate Buford Taylor's "farm," defined in the will as all of Buford Taylor's interest in his 600 acres. Specifically, she was authorized to carry on any farming operation, lease, rent, encumber, partition, or otherwise deal with the land as her own. She was the beneficiary of all of the income from the trust and was granted the power to encroach upon the corpus for her maintenance and support.

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3. A separate provision of the Buford Taylor will provided for "Sale of Real Estate During Life of Wife." It provided that if "the farm" was sold during Mary Taylor's life, the selling price was to be approved by one Edward Nave, and the proceeds of any such sale were to pass to Commerce Union Bank as Trustee for Mary Taylor. In such circumstance, Mary Taylor retained the power to encroach upon the corpus for her maintenance and for the maintenance and support of Buford Taylor's grandson, Tommy Taylor, Jr. "so long as he remain[ed] in the care and custody" of Mary Taylor.

4. After Mary Taylor's death, $150,000 was to be placed in trust for Tommy Taylor, who was born in 1958 and has always required full-time care.

5. The will provided that, after the funding of the trust for Tommy Taylor, the balance of the trust was to be distributed among five parties: Tommy Hamer (30%), Gerald Huffman (30%), Gene Riley (30%), Candy Lynn Hammers (5%), and Lewis William Hammers, Jr. (5%).

6. After Buford Taylor's death in 1977, Tommy Taylor lived with Mary Taylor on the farm. Tommy and Sherrie Hamer, then residents of Watertown, Tennessee, had been nominated by Buford Taylor to have custody of Tommy Taylor in the event that Mary Taylor died.

7. In 1980, at the request of Mary Taylor, Tommy and Sherrie Hamer sold their 52 acre farm in Watertown, Tennessee and moved to Buford Taylor's home to assist her with her everyday needs, assist in the care of Tommy Taylor, and to help manage the farm. In exchange, Mary Taylor was to transfer some of the acreage to the Hamers, including an old tenant house.

8. In May 1980, Mary Taylor conveyed 18 acres of the farm to Tommy Hamer and his wife, Sherrie Hamer.

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9. Under the terms of their agreement, the Hamers provided services to Ms. Taylor for over five years. In addition, Tommy and Sherrie Hamer, over those 5+ years, repaired and upgraded the tenant house, and fenced off the land they had been promised. Tommy and Sherrie Hamer spent over $60,000 out of pocket and hundreds of hours on the old farm house to make it liveable. The repairs included new plumbing, bathroom to replace the outhouse, kitchen, complete electrical system, insulation, heating and air, and sealing a large old cistern well. Ms. Hamer estimated the value of their labor was in excess of $25,000.

11. Tommy and Sherrie Hamer performed many tasks for Mary Taylor which included keeping Tommy Taylor at their house many times when Mary Taylor needed a break, accompanied her on family trips when requested by her as she needed someone with her, helped her maintain her garden, stayed with her over a nine day period when she was injured, mended fences on the farm and helped care for livestock, maintained the pond and outbuildings on the farm, assisted with hayrides for Tommy Taylor's school, helped maintain Mary Taylor's yard, travelled to Memphis to pick up a new car for Mary Taylor, along with many other day to day tasks. The value of all of these services given in exchange for the deed to the land transferred to the Hamers far exceeded $18,000.

12. Mr. Nave drafted the Last Will and the deed transferring the 18 acres to them. It was never discussed that this transfer was in any way a settlement of Tommy Hamer's interest in the Estate of Buford Taylor.

13. In 1986, Mary Taylor sold the rest of the farm, reserving a life estate for herself in a 4.2 acre parcel that included a house. The developer who purchased the property wanted the entire farm including the 18 acres owned by Tommy and Sherrie Hamer. Therefore, the Hamers

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sold their portion of the land as well, which they had worked over the years to improve. They received $345,294.00 in proceeds from the sale.

14. In keeping with the trial court's orders from the 2000 proceedings, SunTrust Bank purchased a home for Mary Taylor and Tommy Taylor. The house is located at 4512 South Trace Boulevard, in Old Hickory, Tennessee. Candy Ferguson was given an option to purchase upon the death of Mary Taylor. Upon the sale of the house at South Trace Boulevard, the proceeds are to be divided according to the terms of the trust – 30% to the Hamer heirs, 30% to Dorothy Jean Hale, 30% to Gerald Huffman, 5% to Candy Lynn Hammers, and 5% to William Lewis Hammers.

16. Mary Taylor died on July 30, 2011, at the age of 92.

17. For the reasons set forth above, as well as in the trial court's rulings from the bench which are incorporated herein, the Hamer heirs are entitled to 30% of the Buford Taylor Trust proceeds, and their portion totals $103,354.57, which is currently being held by the Court.

18. The Clerk of this Court is directed to issue a check in the amount of $103,354.57, plus any accrued interest, to their attorney, Donald Capparella, on behalf of the Hamer heirs, to be distributed to them.

19. When the house on 4512 South Trace Boulevard is sold, the proceeds of that sale shall be distributed under the terms of the Buford Taylor Trust, 30% to the Hamer heirs who have been determined to stand in the position of Tommy Hamer, 30% to Dorothy Jean Hale, 30% to Gerald Huffman, 5% to Candy Lynn Hammers, and 5% to William Lewis Hammers.

ENTERED this 3 day of June, 2014.

Judge David Randall Kennedy, Sr.

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Respectfully submitted,

Donald Capparella

Donald Capparella, #011289
Dodson Parker Behm & Capparella PC
1310 6th Avenue North
Nashville, Tennessee 27208
(615) 254-2291
(615) 726-2241 facsimile

P. Brocklin Parks by permission Donald Capparella

P. Brocklin Parks, #020930
414 Union Street, Suite 905
Nashville, TN 37219
(605) 620-0896

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been sent on this the 30th day of May, 2014 to:

Beth Boone
3528 Darien Hwy, Suite 300
Brunswick, GA 31525

Lewis William Hammers
TDOC#00455389
c/o Whiteville Correctional Facility
P.O. Box 679
Whiteville, TN 38075

Donald Capparella
Donald Capparella