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 heretofore filed in the SEVENTH Circuit Court for Davidson County, Tennessee, on the 18 day of JANUARY, 2017, in Docket Number 16P2081, IN RE: SCHUDER, MARY ETHEL, 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 29 day of MARCH in the year 2017 and in the 240 year of American Independence.

RICHARD R. ROOKER, Clerk,

[SEAL]

By: _____

Deputy Clerk

BILL GARRETT, Davidson County
Trans:T20170026331 WILL
Recvd: 03/29/17 10:37 10 pgs
Fees:52.00 Taxes:0.00
20170329-0030418

Copy

16P2081

FILED
JAN 18 2017
RICHARD R. ROOKER, Clerk
By D.C.

LAST WILL AND TESTAMENT

OF

MARY ETHEL SCHUDER

I, **MARY ETHEL SCHUDER**, a citizen and resident of Davidson County, Tennessee, do make, publish and declare this to be my Last Will and Testament, hereby revoking all Wills and Codicils heretofore made by me.

I. I direct that my funeral expenses and any residual funeral expenses, the costs of administration of my estate, and all just debts be paid out of the principal of my estate. I hereby direct that proceeds from any insurance policies on my life be paid to the beneficiaries named in such policies, and that if my estate is beneficiary of any such policy, those proceeds shall be added to the principal of my estate. I further direct my Executor to pay all inheritance and estate taxes that shall be imposed by reason of my death, including such taxes on proceeds of insurance on my life. My Executor, in their sole discretion, may pay from my domiciliary estate all or any portion of the costs of ancillary administration and similar proceedings in other jurisdictions.

II. At the time of making this Will I do not have a spouse as my Spouse, DONALD L. SCHUDER, died January 1, 2001. I have one living son, DAVID LLOYD SCHUDER, born January 25, 1950, who is married to LINDA K. SCHUDER. David and Linda have two children, BRIAN WALKER SCHUDER, born December 15, 1982 and LESLIE ELAINE SCHUDER, born April 18, 1986. My oldest son, PHILLIP R. SCHUDER, died October 10, 1985, and was survived by his widow, ANNE BONK SCHUDER and by two children, MARY ANNE HAZELWOOD, born July 15, 1971 and MARK PHILLIP SCHUDER, born August 3, 1973. I have no other children other than DAVID L. SCHUDER and PHILLIP R. SCHUDER.

For Identification: MRS

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III. I give, devise and bequeath all of my estate, whether real, personal and/or mixed property of whatever kind and character, and wherever situated, to my heirs, to be divided according to my wishes, as follows:

(a) MARK SCHUDER (Grandson of Mary Ethel Schuder and Son of Phillip R. Schuder):

(1) The Sum of Two-Thousand Dollars ($2,000.00) from my estate.

(b) MARY ANN HAZELWOOD (Granddaughter of Mary Ethel Schuder and Daughter of Phillip R. Schuder):

(1) The Sum of Two-Thousand Dollars ($2,000.00) from my estate.

(c) DAVID LLOYD SCHUDER (Son of Mary Ethel Schuder):

(1) The remaining of the entirety of the value of my estate, including all real, personal and/or mixed property of whatever kind and character. In the event that DAVID LLOYD SCHUDER predeceases me then the remaining of the entirety of the value of my estate, including all real, personal and/or mixed property of whatever kind and character to his heirs.

(d) In the event that any of the said beneficiaries predecease me, then I give, bequeath and devise the share of such deceased beneficiary, as set forth above, to the lineal descendants of such deceased beneficiary, share and share alike, said lineal descendants of any deceased child of mine or beneficiary said above to share in my estate per stirpes and not per capita.

IV. If any beneficiary under this Will should die with me in a common accident or disaster or under circumstances which make it difficult or impossible to determine which of us died

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first, I direct that I be deemed to have survived such beneficiary and that this Will be so construed.

V. I hereby nominate and appoint DAVID LLOYD SCHUDER as the Executor of this, my Last Will and Testament. In the event that DAVID LLOYD SCHUDER is unable to serve as Executor, I hereby nominate and appoint LINDA K. SCHUDER (Wife of DAVID LLOYD SCHUDER) as the Executor of this my Last Will and Testament. In the event that LINDA K. SCHUDER, is unable to serve as such, I hereby nominate BRIAN WALKER SCHUDER (Son of David and Linda Schuder). In the event that BRIAN WALKER SCHUDER, is unable as such, the judge of the court having probate jurisdiction in the county of which I am a resident at the time of my death shall name and appoint an alternate or substitute executor to serve hereunder. I direct that none of the persons named as executor of this my Last Will and Testament shall be required to make bond for the faithful performance of their duties as such.

VI. In the event that my heirs become the beneficiary of my estate under **Section III** of this my Last Will and Testament, such gift, devise and bequest shall be absolute only in the event that any such heir have attained the age of twenty-one (21) years at the time of my death. In the event that any such heir are under the age of twenty-one (21) years at the time of my death, then I give, devise, and bequeath the share of such heir to DAVID LLOYD SCHUDER as Trustee for such heirs. In the event that DAVID LLOYD SCHUDER is unable to serve as Trustee, then I give, devise, and bequeath the share of such heirs to LINDA K. SCHUDER, as Trustee for such heir. In the event that LINDA K. SCHUDER, is unable to serve as Trustee, then I give, devise, and bequeath the share of such heirs to BRIAN WALKER SCHUDER, as Trustee for such heirs. In the event that BRIAN WALKER SCHUDER is unable to serve as Trustee, then the judge of the court having probate jurisdiction in the county of which I am a resident at the time of my death shall name and appoint an alternate trustee to serve hereunder. This bequest and devise is made in trust upon the terms and conditions hereinafter provided, to wit:

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(a) Trustee shall retain the principal and income of said trust for the use and benefit of said heirs.

(b) Trustee is directed to use the net income of said trust for the support, maintenance and education of such heirs in the Trustee's sole discretion. In the event the net income is insufficient to reasonably support, maintain and educate such heirs, the Trustee shall have the power to use the principal of said trust to the extent necessary.

(c) In the event any physical disability, major medical emergency, catastrophic illness or other major calamity befalls such heirs, then the Trustee, in the Trustee's sole and exclusive discretion, shall have the power to use the principal of said trust to the extent needed for such emergency.

(d) No person dealing with the Trustee shall be obliged to inquire as to Trustee's power to transfer, convey or deliver any money or property to them. The Trustee shall not be required to obtain approval of any court in the exercise of any power conferred upon said Trustee hereunder. The Trustee shall not be required to make any report or accounting to any court nor to furnish a bond for the proper performance of Trustee's duties hereunder. If, however, the beneficiary(s) under this trust requests the Trustee to make an accounting to him or them personally, a Trustee shall be obligated to do the same, but no more often than annually.

(e) If the Trustee shall be compelled at any time during the existence of this trust, or thereafter, to pay any tax or interest or penalty with respect to this trust for any reason, Trustee shall be entitled to be reimbursed from the principal of the trust; if the trust principal be then insufficient, or if the trust be then terminated, the Trustee shall be reimbursed by the person to whom the principal of the trust shall have been distributed.

(f) As to each beneficiary under this trust, his or

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her share of my estate shall be distributed to such heir free of trust at such time as he or she reaches the age of twenty-one (21) years. This trust shall terminate at such time as the last of such children reaches to age of twenty-one (21) years.

(g) Without diminution or restriction of the powers vested in the Trustee by law, or elsewhere in this instrument, and subject to all other provisions of this instrument, the Trustee, without the necessity of procuring any judicial authorization therefor, or approval thereof, shall be vested with and, in the application of Trustee's best judgment and discretion on behalf of the beneficiaries of this instrument, shall be authorized to exercise the powers specifically enumerated in Tennessee Code Annotated, Section 35-50-110, as further explained and limited by Tennessee Code Annotated, Section 35-50-109.

VII. Miscellaneous Provisions.

(a) Dealing with Executor: No person dealing with my Executor in the capacity of purchaser, acquirer, lender, tenant, lessee or contractant shall be bound to inquire into the capacity to act on the part of my Executor or into the authority for, or propriety of, any act thereof or to see to the application or disposition of any money or other property paid, delivered or loaned to my Executor.

(b) Income During Administration: During the period of administration of my estate, my Executor shall be authorized to make distributions of the income of the estate to the same persons, and in the same proportions, as might be made if the administration were completed.

(c) Disposition of Assets: I authorize my Executor, without the order of any court, to sell and convey any of my real estate or personal property not specifically devised or bequeathed herein at public or private sale, without the joinder

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of any beneficiary, in such manner and upon such terms and for such prices as may seem best; and on every sale of real estate, the proceeds are to be deemed and treated as forming part of my personal estate.

(d) Powers of Executor: Without diminution or restriction of the powers vested in her by law, or elsewhere in this instrument, and subject to all other provisions of this instrument, the Executor, without the necessity of procuring any judicial authorization therefor, or approval thereof, shall be vested with, and in the application of Executor's best judgment and discretion on behalf of the beneficiaries of my estate, shall be authorized to exercise the powers specifically enumerated in Tennessee Code Annotated Section 35-50-110.

In addition to and not in limitation of all common law and statutory authority and all powers otherwise granted in this instrument, my Executor shall have the following specific discretionary powers, duties and obligations:

(1) Investments: To hold and retain as investments all property of every kind and description which shall at the time of my death be included in my estate.

(2) Diversification: To acquire, by purchase or otherwise, and retain temporarily or permanently, all kinds of realty and personalty without regard to principles of diversification.

(3) Borrowing: To borrow money if my Executor deems it advisable in the administration of my estate, upon such terms and conditions as my Executor deems advisable.

(4) Leases: To enter into leases extending beyond the period of administration of this estate.

(5) Distribution: To make distribution in cash or in kind or partly in each, even if shares be composed differently.

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(6) Responsibility: To exercise, in general, all powers with respect to the said property which any individual would exercise in the management of similar property owned in her own right and not to be responsible for losses, if any, resulting from honest mistakes of judgment.

(e) Waiver of Inventory Reports and Appraisal: I authorize my Executor to administer and settle my estate without the necessity of filing an inventory or making any report or final settlement with any court to the extent permitted by law. I expressly waive appraisal of my estate in the event an appraisal is required by law.

(f) Disposition of Body and Funeral Arrangements: I appoint and permit the Executor of my will to comply with the following arrangements upon my death:

(1) My body shall be buried at:
Tippacanoe Memory Gardens
1718 W. 350 N.
West Lafayette, Indiana 47906
Plot# Vets 903 Lot C (next to my late husband located in Lot D)

For Identification: MRS

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IN WITNESS WHEREOF, I have hereunto set my hand this 26 day of March, 2014 and do publish and declare this as my Last Will and Testament, in the presence of each and all of the subscribing witnesses whom I have requested to act as such by signing the Attestation Clause and Affidavit below pursuant to the provisions of Tennessee Code Annotated, Sections 32-1-103 and 32-2-110.

Mary Ethel Schuder
MARY ETHEL SCHUDER

Signed by the said MARY ETHEL SCHUDER as and for her Last Will and Testament in the presence of us, the undersigned, who, at his request, and in his sight and presence, and in the sight and presence of each other, have hereunto subscribed our names and signatures as attesting witnesses on the day and date first above written.

Sherrie Y. Rives
NAME

Sherrie Y. Rives
ATTESTING WITNESS

416 Old Hickory Blvd W
ADDRESS

Madison, Tn 37115

Adam Zanetis
NAME

Adam Zanetis
ATTESTING WITNESS

414 W. Old Hickory Blvd.
ADDRESS

Madison, TN 37115

For Identification: MRS

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AFFIDAVIT

STATE OF TENNESSEE

COUNTY OF DAVIDSON

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

ATTESTING WITNESS

ATTESTING WITNESS

Sworn to and subscribed before me
this 26 day of March, 2014.

NOTARY PUBLIC
My commission expires: 1/9/18

MICHELLE BREEDING
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY
My Comm. Expires January 9, 2018

This Instrument Prepared By:
Megan H. Williams, Attorney
Liberty Law Firm, PLLC
414 W. Old Hickory Blvd.
Madison, TN 37115
Phone: 615-868-0095

For Identification: MRS