Box 14
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BILL GARRETT, Davidson County
Trans:T20170028259 AFFIDAVIT
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THIS INSTRUMENT PREPARED BY:
JOHN T. COOK, ESQ.
2927 Berry Hill Drive
Nashville, Tennessee 37204
File 29405-4

AFFIDAVIT IN FURTHERANCE OF TITLE
(To Evidence Satisfaction of Requirements of Property Inheritance)

RE: 735 AND 741 BAXTER LANE, BRENTWOOD, DAVIDSON COUNTY, TN 37027 (THE "PROPERTY")

STATE OF TENNESSEE
COUNTY OF DAVIDSON

The undersigned, John Edward Harwood, Jr., being first duly sworn, deposes and says as follows to the best of his knowledge and belief:

1. I am the son of John E. Harwood who died May 3, 1993. The said John E. Harwood left a Last Will and Testament and First Codicil (collectively the "Will") which has been admitted to probate in the Davidson County, Tennessee Probate Court under Case No. 93P654. A copy of the Will is attached hereto as Exhibit A. Pursuant to the terms of the Will, the referenced Property was devised to me and three of my siblings (the "Devisees") as named in the Will. I have this day purchased the interest in the Property held by the other Devisees and I am now the sole owner of the Property.

2. The Will provided for certain special rights and responsibilities as to the Property and my father's Estate. As a result of my acquisition of the entire fee simple title ownership of the Property, all rights and responsibility have now merged in my ownership and there are no third parties who have any interest in, or responsibilities for, the Property. All financial adjustments or reimbursements described in the Will which are specified to be addressed either at the time of distribution of the assets of the Estate or at the time of any sale or transfer of title to the Property have been made or waived and all of such matters have been fully satisfied and released.

3. This Affidavit has been executed and published to provide a clear explanation of the administration of the Property under the Will.

Executed this 29th day of March, 2017.

John Edward Harwood, Jr.

Sworn to and subscribed before me
this 29th day of March, 2017.

JOHN T. COOK
STATE OF TENNESSEE NOTARY PUBLIC
WILLIAMSON COUNTY

Notary Public
My Commission Expires: 1/17/21

STATE OF TENNESSEE
COUNTY OF DAVIDSON

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, the within named John Edward Harwood, Jr., the bargainor, with whom I am personally acquainted, (or proved to me on the basis of satisfactory evidence) and who acknowledged that he executed the within instrument for the purposes therein contained.

WITNESS my hand and official seal at Nashville, Tennessee, this 29th day of March, 2017.

Notary Public
My Commission Expires: 1/17/21

JOHN T. COOK
STATE OF TENNESSEE NOTARY PUBLIC
WILLIAMSON COUNTY

93P654

LAW OFFICES
HOFSTETTER & HOFSTETTER
SUITE 500
1230 FOURTH AVENUE NORTH
NASHVILLE, TENN.
37219

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LAST WILL AND TESTAMENT

OF

JOHN EDWARD HARWOOD

I, JOHN EDWARD HARWOOD, of Davidson County, Tennessee, being of sound mind and disposing memory, do hereby make and publish this as my Last Will and Testament. I do hereby revoke any and all wills by me heretofore made.

ITEM I: I direct that my Coexecutors shall pay all of my legally enforcible debts, including expenses of my last illness and funeral expenses, as soon after my death as is practicable.

I direct that all estate and inheritance taxes be charged against, and paid out of, my general estate.

ITEM II: I give and devise to my wife, Mary Louise Bearden Harwood, all of the tangible personal property which I own at the time of my death.

ITEM III: I give and devise an amount equal in value to Six Hundred Thousand Dollars ($600,000.00) to First American Trust Company, but in trust for the following uses and purposes, to wit:

Said Trustee shall pay to my wife, Mary Louise Bearden Harwood, during her lifetime all the income therefrom in convenient installments, but at least annually.

Upon the death of my said wife, my said Trustee shall pay over said trust estate, income and corpus, to four of my

John Edward Harwood

children, Elizabeth H. Kastotanotis, Eva H. Bader, John Edward Harwood, Jr. and Virginia Harwood, one-fourth to each.

During the continuation of this trust, however, I authorize my said Truste to encroach on the corpus whenever, in its sole discretion, it determines that such encroachment is necessary for living expenses or any emergency of my said wife. I direct, however, that no such encroachment be made as long as said Trustee has assets in the trust created in Item V hereof.

All power and authority given said Trustee in Item V may be exercised in connection with this Item III.

ITEM IV: If, at the time of my death, I am the sole owner of our home at 741 Baxter Lane, consisting of home place and approxiamtely 5 acres, identified as Map and Parcel Number 160-06-0 004.00, Field Book Number 06DU 40825, and an unimproved tract of approximately 6.44 acres, identified as Map and Parcel Number 160-06-0 005.00, Field Book Number 06DU 40830], Brentwood, Davidson County, Tennessee, I give and devise said home place and said unimproved tract to four of my children, John Edward Harwood, Jr., Elizabeth H. Kastotanotis, Eva H. Bader and Virginia Harwood, share and share alike.

However, my son, John Edward Harwood, Jr., shall have the right to live in said residence as long as he shall so desire. He shall also have the right to collect all rentals from the garage apartment. During his occupancy he shall be obligated to maintain the residence and pay the taxes and insurance.

At the time said property is sold for division among my said four children, my son, John Edward Harwood, Jr., shall be reimbursed for all property taxes he has paid on the 6.44 acre unimproved tract (but not on the residence tract), and for all

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capital improvements made on the residence. I distinguish capital improvements, such as a roof and/or heating plant, from normal maintenance such as painting and repairs.

ITEM V: All the rest and residue of my property, of every kind and character, I give and devise to the First American Trust Company of Nashville, Tennessee as Testamentary Trustee, and thereafter managed, controlled, and vested, reinvested, and disbursed by said Trustee upon the following terms and conditions:

1. The Trustee shall pay the entire net income in quarterly or monthly intallments to my wife, Mary Louise Bearden Harwood, or apply it for her benefit so long as she shall live.

2. If non-income producing property is held, my wife shall have the right to direct that such property be exchanged for income-producing property.

3. Should my said Trustee hold any real estate as a trust asset, it shall not dispose of same without the approval of my son, John Edward Harwood, Jr.

4. In addition to the payment of income as aforesaid, the Trustee may pay to my wife any or all of the principal of the trust property held for her benefit as my said Trustee, in its sole discretion, deems advisable. In making such payments the Trustee may, but need not, take into account other financial resources available to her.

5. My Coexecutors shall have the right to elect to qualify or not to qualify all or any fractional or percentile share of this trust for the marital deduction.

I exonerate my Coexecutors for any liability for such election, and direct that no beneficiary or other person shall

John Edward Harwood

have any claim against my Coexecutors or my estate by reason of the exercise of my Coexecutors' judgment in this respect.

6. At the death of my wife, the principal of this trust shall be distributed to four of my children, Elizabeth H. Kastotantotis, Eva H. Bader, John Edward Harwood, Jr. and Virginia Harwood. The accumulated and accrued income shall be paid over to my wife's estate.

7. Upon the death of my wife, the Trustee is authorized to withhold distribution of an amount of property sufficient in its judgment to cover any liability that may be imposed on the Trustee for estate or other taxes until such liability is finally determined and paid.

8. If my wife shall fail to survive me, then the net assets shall be paid and delivered to my hereinafter named children, Elizabeth H. Kastotantotis, Eva H. Bader, John Edward Harwood, Jr. and Virginia Harwood by my Coexecutors.

9. I have not included my daughter, Louise Thomas, because I think it in her best interest not to be burdened with the handling of her share. I request my said four children to do what is fair and equitable with their sister so that she will not want for anything. There is no doubt in my mind but that they will do for her what I, myself, would do under such circumstances.

10. My said children shall have the right to use and enjoy their respective shares as they see fit, but upon their respective deaths, the remainder interest in said shares shall vest in and belong to their surviving issue, if any. In the absence of any surviving issue, each such share shall vest in those of my children then surviving, and the issue of those then dead.

John Edward Harwood

I do not wish to in any way inhibit any child's use of his or her share of my estate, but I desire, and therefore direct, that at their respective deaths, any part remaining pass as hereinabove provided.

11. In addition to the hereinabove enumerated powers given my said Trustee, I also authorize it to exercise any and all the powers contained in Tennessee Code Annotated §35-618 to the extent applicable, all of which provisions and powers are incorporated herein by reference and just as if copied herein verbatim.

12. If, during the continuation of this trust, my said wife shall determine that it is to the best interest of said trust estate that a substitute trustee be appointed, I authorize and empower her to so do by an instrument in writing, to be recorded in the Register's Office for Davidson County, Tennessee, but said substitute Testamentary Trustee shall be a banking institution whose combined capital and surplus shall be not less than ten million dollars. Any such substitute Testamentary Trustee appointed pursuant hereto shall have all the rights, powers, and authority herein granted my said Trustee.

ITEM VI: I nominate and appoint O. B. Hofstetter, Jr. and my son, John Edward Harwood, Jr., as Coexecutors of this my Last Will and Testament.

I expressly excuse the personal representatives, or the one qualifying, as well as my Testamentary Trustee, from giving surety on their respective bonds.

I recommend that my daughter, Elizabeth H. Kastotantotis, advise my Coexecutors to the extent necessary and

John Edward Harwood

desirable. They are authorized to generously compensate her for her time and travel expense in connection therewith.

During the period of administration, I authorize my personal representatives to pay the net income from my estate to my wife, Mary Louise Bearden Harwood.

IN WITNESS WHEREOF, I have hereunto set my hand at Nashville, Tennessee, this 25th day of June, 1991.

John Edward Harwood

Signed by the said JOHN EDWARD HARWOOD as and for his Last Will and Testament, in the presence of us, the undersigned, who, at his request, and in his sight and presence, and in the presence of each other, have hereunto affixed our signatures as attesting witnesses on the day and date last above written.

C B Hyatt Jr.

Eunice Miller

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FIRST CODICIL TO LAST WILL AND TESTAMENT

OF

JOHN EDWARD HARWOOD

I, **JOHN EDWARD HARWOOD**, being of sound mind and disposing memory, do hereby make and publish this the **First Codicil** to my **Last Will and Testament** heretofore executed by me on June 25, 1991.

I do hereby amend my said **Will**, particularly **Item V**, by deleting **Section 3** thereof in its entirety.

I do hereby further amend my said **Will**, **Item V**, **Section 8**, by the addition of the following paragraph:

"I direct that my Coexecutors, when they have estimated the equal amounts going to my four children, Elizabeth H. Kastotantotis, Eva H. Bader, John Edward Harwood, Jr. and Virginia Harwood, deduct Thirty Thousand Dollars ($30,000.00) from the share of John E. Harwood, Jr. to compensate, in a measure, for the many years of free lodging and utilities he has received, after maturity, in this household, that were not afforded to any of his three sisters."

I further amend my said **Will** by the addition of the following to **Item II, Paragraph 2:**

"I give and devise the sum of Fifteen Thousand Dollars ($15,000.00) to St. Thomas Hospital, Nashville, Tennessee, as a memorial contribution to the late Mary Louise Harwood, for its charitable and religious purposes.

John Edward Harwood

"I also give and devise the sum of Fifteen Thousand Dollars ($15,000.00) tothe Dominican Campus, likewise as a memorial to the late Mary Louise Harwood, for its charitable and religious purposes."

As thus modified and amended, I do hereby ratify, affirm and republish my said Will of June 15, 1991, this 25th day of March, 1993.

John Edward Harwood

Signed by the said **JOHN EDWARD HARWOOD** as and for the First Codicil to his Last Will and Testament, in the presence of us, the undersigned, who, at his request, and in his sight and presence, and in the presence of each other, have hereunto affixed our signatures as attesting witnesses on the day and date last above written.

JB Hopkins Jr

Eunice Miller