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LAST WILL AND TESTAMENT OF MAGGIE EVELYN MCMURTRY

ENTERED 5-24-12

I, **Maggie Evelyn McMurtry,** a citizen of the United States, residing in Williamson County, Tennessee, do make, publish and declare this my Last Will and Testament, hereby revoking all prior Wills and Codicils.

ITEM I

Identifications and Definitions

As used in this Will, the following identifications and definitions shall apply:

A. Family Description. My husband, **Harold J. McMurtry,** is referred to herein as "my husband". We have four (4) children. They are **Harold Jackson McMurtry, III, David Neal McMurtry, Vicki Suzanne Baird** and **John Mark McMurtry.** The terms "child" or "children" when referring to my children shall only mean the children named herein and these words shall be construed in the appropriate number and gender as the context requires.

B. In referring to any person, a word of one gender shall be deemed to include the other, and a reference to the singular shall include the plural, and vice-versa, if the context indicates that such a reading would be appropriate. If a successor Executor is appointed, then reference to the word "Executor" shall be deemed to refer to such successor Executor.

C. The terms "issue", "child" or "children" as used in this Will shall include adopted persons. Provided, however, if any beneficiary adopts the child of his or her spouse, such terms shall not include such adopted child unless the beneficiary was married to such spouse at the time of either such beneficiary's death or the death of such spouse, whichever occurred earlier.

D. Item title headings are general descriptions only and are not to be construed as adding, deleting, altering or replacing the contents of any Item.

ITEM II

Payment of Expenses, Claims and Taxes

I direct that all of my just debts (except secured debts, which may be paid off or retained in the discretion of my Executor) including unpaid charitable pledges, funeral expenses and the cost of administration of my estate, be paid from my residuary estate as soon as may be convenient after my death. My Executor, in his sole and absolute discretion, may pay from my domiciliary residuary estate all or any portion of the costs of ancillary administration and similar proceedings in other jurisdictions. Except as otherwise provided herein, I further direct that any

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estate, inheritance, generation-skipping transfer and other taxes of the same nature which are payable because of my death with respect to the property comprising my estate for such tax purposes, whether or not such property passes under this Will and whether such taxes are payable by my estate or by any recipient or beneficiary of any such property, shall be paid by my Executor and charged against the funds or property being held by the Trustee of that certain Revocable Living Trust Agreement (the "Revocable Living Trust") which I created on today's date but prior to the execution of this Will, and apportioned in the manner set forth in the Revocable Living Trust. I direct my Executor to request the Trustee of the Revocable Living Trust either to pay such debts, expenses, and taxes directly or to distribute to my estate the necessary funds for my Executor to pay such debts, expenses and taxes. Any interest and penalties payable with respect to said taxes shall be a charge against the income from the funds or property so distributed. Provided, however, my Executor shall, to the extent possible and practicable, seek reimbursement for recovery of, or contribution toward the payment of federal or state estate tax attributable to property in which I had a qualifying income interest for life, over which I had a power of appointment, or which is included in my gross estate by reason of Section 2036 of the Code from such property which such tax is not otherwise paid or payable.

ITEM III

Distribution of Remaining Estate to Revocable Living Trust

All the rest, residue and remainder of my property shall be distributed to the Trustee of the Revocable Living Trust, to be held, administered and distributed by the Trustee according to the provisions of the Revocable Living Trust.

ITEM IV

Executor's Powers

In addition to any powers or duties provided by other provisions in this Will or by law, my Executor shall have the following powers:

A. The powers enumerated in the provisions of Section 35-50-110 Tennessee Code Annotated, including the introductory paragraph and all subparagraphs thereof to the extent applicable. The provisions dealing with real property shall be applicable to all real property which I own and is not owned by the Revocable Living Trust at my death whether or not the Executor holds legal title to such property. The real property shall be administered as part of my estate subject to the control of the Executor. Said provisions (as in force on the date of execution of this Will) are hereby incorporated herein by reference as fully as though copied herein verbatim, notwithstanding that said statute may be amended hereafter or repealed. Notwithstanding anything contained herein to the contrary, if my estate includes insurance policies insuring my Executor's life, my Executor shall not have any powers over such policies that will cause my Executor to possess an incident of ownership with respect to any of the

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policies. In connection therewith, my Executor shall not have the power to surrender the life insurance policies on the Executor's life and my Executor is prohibited from changing any options relating to the policies on the Executor's life.

B. Any power conferred upon the Trustee of the Revocable Living Trust which would be appropriate for dealing with property to be held in trust following the close of my estate's administration while any such property is instead held in my estate.

C. The power to exercise any election available to my estate with regard to claiming any administration expense of my estate either as a deduction for any death tax or income tax purpose. Said elections may be made in such manner as will minimize the total tax burden on my estate. I hereby relieve my Executor of any liability to any beneficiary by reason of making or failing to make any such election.

ITEM V

Appointment of Executor

A. I appoint my husband, **Harold J. McMurtry,** as Executor of this Will. If my husband, **Harold J. McMurtry,** does not survive me or is unwilling or unable to serve or continue to serve as such Executor, then I appoint my son, **John Mark McMurtry,** to serve as such Executor in his place. If my son, **John Mark McMurtry,** does not survive me or is unwilling or unable to serve or continue to serve as such Executor, then I appoint my son, **Harold Jackson McMurtry, III,** to serve as such Executor in his place. If my son, **Harold Jackson McMurtry, III,** does not survive me or is unwilling or unable to serve or continue to serve as such Executor, then I appoint my son, **David Neal McMurtry,** to serve as such Executor in his place. If my son, **David Neal McMurtry,** does not survive me or is unwilling or unable to serve or continue to serve as such Executor, then I appoint my daughter, **Vicki Suzanne Baird,** to serve as such Executrix in his place.

B. I direct that my Executor shall not be required to give any bond for the performance of his duty. Purchasers from, lenders to and others dealing with him shall not be required to inquire as to the occasion for such sale, loan or other transaction, nor to see to the application of the purchase, loan or other money or property. Written receipts and/or canceled checks retained by my Executor shall be good and sufficient discharges for the sum therein stated to have been received. Transfer agents and other persons dealing with my Executor may deal with him as if he were the sole owner of the property dealt with.

C. I direct that no inventory or other court accounting be required in accordance with Section 30-2-601 of the Tennessee Code Annotated (as in force on the date of execution of this Will). The Executor's only responsibility for statements and accountings shall be to furnish a complete final accounting to the Trustee of the Revocable Living Trust.

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IN WITNESS WHEREOF, I have hereunto set my hand to this my Last Will and Testament, this 16th day of January, 2007.

Maggie Evelyn McMurtry

The following instrument was signed, published and declared by the said **Maggie Evelyn McMurtry** as and for her Last Will and Testament on the day and year written above, in our presence and in the presence of each of us who, at her request, in her presence and in the presence of each other, have subscribed our names as witnesses this 16th day of January, 2007.

H. Breeane Siegel
WITNESS

Nashville, TN
ADDRESS

Lindsey Ellen Weiss
WITNESS

Nashville, TN
ADDRESS

STATE OF TENNESSEE
WILLIAMSON COUNTY
I, THE UNDERSIGNED CLERK & MASTER, DO HEREBY CERTIFY THIS TO BE A TRUE COPY OF THE ORIGINAL OF THIS INSTRUMENT FILED IN THIS CAUSE.
6-30-
ELAINE B. BEELER, Clerk & Master

CHANCERY COURT TN SEAL WILLIAMSON CO.

M. E. M.

AFFIDAVIT BY WITNESSES TO WILL

STATE OF TENNESSEE
COUNTY OF WILLIAMSON

Each of the aforesaid witnesses, being H Brooke Siegel and Lindsay Ellen Weeks, subscribed to the foregoing Will of **Maggie Evelyn McMurtry**, executed on this 16th day of January, 2007, having been requested by the said **Maggie Evelyn McMurtry** to make and sign this Affidavit, and having first been duly sworn before the Notary Public whose name appears below, hereby state that the said **Maggie Evelyn McMurtry** was over eighteen (18) years of age, was of sound mind, declared the foregoing instrument to be her Last Will and Testament, published and executed it by signing it in the presence of all of us who were all present at the same time and we, in her presence, at her request, and in the presence of each other, subscribed our names as witnesses on the said 16th day of January, 2007.

H Brooke Siegel
WITNESS

Lindsay Ellen Weeks
WITNESS

Sworn to and subscribed to before me, this 16th day of January, 2007.

NOTARY PUBLIC

My Commission Expires:

12/2/07

RUSSELL T. COOK NOTARY PUBLIC AT LARGE WILLIAMSON COUNTY, TN

THE CHANCERY COURT SEAL WILLIAMSON COUNTY, TN

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