Bill Garrett Davidson County
Batch# 6466 WILL
10/02/2017 02:04:28 PM 10 pgs
Fees: $52.00 Taxes: $0.00

20171002-0100658

# 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 01 day of DECEMBER, 2016, in Docket Number 16P1642, IN RE: MORTON, ROSA ET.AL, 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 12 day of SEPTEMBER in the year 2017 and in the 241 year of American Independence.*

*RICHARD R. ROOKER, Clerk,*

*By:* _____
*Deputy Clerk*

SEAL

16P1642

# LAST WILL AND TESTAMENT

FILED
DEC 01 2016

OF

# ROSA MORTON

I, Rosa Morton, being of sound mind and disposing memory, do make, declare and publish this my Last Will and Testament, hereby revoking all former Wills and Codicils heretofore made by me. At the time I make this Will, I reside in Davidson County, Tennessee.

ITEM I.

I hereby appoint my sister, Esta Hickman, to act as executor of my Last Will and Testament. If she is unable to serve for any reason, or does not qualify, I then appoint my niece, Joyce Stinson Jennette, to act in her place and stead. Bond is excused for the executor or substitute executor. (The term "executor" is intended to be gender neutral and shall include without limitation the executrix and/or substitute executrix.) My executor shall have the powers provided in Tennessee Code Annotated § 35-50-110. Notwithstanding anything in the foregoing to the contrary, my executor shall not be required to file any inventories, accountings, appraisements, or periodic reports to any court, or to obtain any precedent order of approval from any court in connection with the administration of my estate.

ITEM II.

I direct that all of my just debts (except debts secured by mortgages or other security instruments, which may be paid off or retained in the discretion of my executor), including my funeral expenses, the cost of a grave marker, and costs of administration, be paid out of my

Copy

general estate by my executor as soon as practicable after my death.

I direct my executor to pay all estate, inheritance, succession and other death taxes which are payable because of my death, including any interest or penalties thereon, 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, and to pay such taxes entirely out of my residuary estate as an expense of administration and without apportionment, and with no right of reimbursement from any recipient or beneficiary of any such property.

My executor is specifically authorized, in my executor's sole discretion, to apply the proceeds from any insurance policies on my life which are payable to my estate in paying debts, expenses of administration and taxes, notwithstanding the provisions of any state law to the contrary; provided, however, that this provision shall not be construed so as to make the proceeds of any insurance subject to debts, taxes or expenses, or to waive the exemption as provided in T.C.A. § 56-7-201, or successor provisions.

ITEM III.

I hereby give, devise, and bequeath to Rosalee Hunter Grisham the sum of $50,000 for her college expenses. This shall not be given to her outright, but shall be placed in trust for her and subject to the provisions of ITEM V of this Will.

I hereby give, devise, and bequeath my real estate located at 3612 Golf Street, Nashville, Tennessee 37216, and all remaining contents of my home, to my grandchildren, Rosalee Hunter Grisham and Patrick Chase Grisham, in equal shares, however; reserving for my daughter, Christy Morton Binkley, a life estate in this real estate and the remaining contents of my home for my daughter to enjoy during her lifetime; and she has total discretion as to who may reside in the home with her. In the event there is no trust in effect to pay expenses of this

Copy

real estate, then I direct that my daughter shall be responsible for paying all expenses associated with this home during her lifetime, including but not limited to any necessary repairs and maintenance, so that this property will pass to my grandchildren in good condition.

ITEM IV.

A. I hereby direct that my real estate located at 4402 Brownstone, Cross Plains, Tennessee 37409 shall become part of my probate estate. I further direct my executor to sell my real estate as soon as practicable on terms my executor in her sole discretion shall deem appropriate, and the proceeds of the sale (after payment of necessary, customary, and usual disbursements associated with the sale) shall become part of my probate estate. I further direct my executor to expend funds from my probate estate to pay expenses of any mortgage payment, insurance, property taxes, necessary utilities, and reasonable and necessary repair or maintenance until such time as my real estate is sold.

B. I hereby direct that my ownership interest in the real estate located at 2572-2574 Fairview Boulevard, Fairview, Tennessee 37062, which I own jointly with my sister Thelma Jones, shall become part of my probate estate. I further direct my executor to sell my interest in this real estate as soon as practicable on terms my executor in her sole discretion shall deem appropriate, and the proceeds of the sale (after payment of necessary, customary, and usual disbursements associated with the sale) shall become part of my probate estate. I further direct my executor to expend funds from my probate estate to pay expenses of any mortgage payment, insurance, property taxes, necessary utilities, and reasonable and necessary repair or maintenance until such time as my real estate is sold. I specifically authorize my executor to bring a partition suit if necessary in order to liquidate my interest in this property. I specifically direct that my sister Thelma Jones be given the first option to buy my interest in this property for a reasonable value as determined by my executor.

Copy

ITEM V.

I give, devise, and bequeath all the rest and remainder of my property, real, personal or mixed, of whatever kind, and wherever located (which is my residuary estate), including the proceeds of any insurance policies payable to my estate or my executor, as follows:

(a) an amount equal to twenty-five percent (25%) of my residuary estate shall pass to Rosalee Hunter Grisham;

(b) an amount equal to twenty-five percent (25%) of my residuary estate shall pass to Patrick Chase Grisham; and

(c) an amount equal to fifty percent (50%) of my residuary estate shall pass to Christy Morton Binkley.

If any of these named heirs does not survive me, the issue of that named heir shall represent and take the deceased parent's share, per stirpes. If there is no living issue of a deceased named heir, then such share shall pass to the surviving beneficiaries under this Item V in pro-rata portions as designated herein.

I do not want any of the heirs under this Item V to have direct access to their bequests. To that end, I direct that each heir's share of my residuary estate shall be held in trust for the benefit and use of said heir as further stated below. The trustee of said trust shall be authorized to exercise reasonable discretion with respect to all property, real and personal, at any time forming part of any trust.

The trustee is authorized to expend the income (and principal if necessary) of the trust as follows:

(a) With respect to my daughter Christy Binkley's trust: Expenditures shall be made to pay the mortgage, property taxes, homeowners insurance, utilities, and reasonable and necessary repairs and maintenance for the real estate located at 3612

Copy

Golf Street, Nashville, Tennessee for the duration of her life estate.

(b) With respect to my granddaughter Hunter's trust: My trustee shall make expenditures for her college tuition and books until she reaches age 23. My trustee shall also buy a new car for Hunter if I have not already done this prior to my death. If my trustee in her reasonable discretion determines that there are sufficient funds available, then my trustee may make an appropriate monthly payment in an amount deemed reasonable by my trustee directly to Hunter each month for her expenses associated with her health and welfare.

(c) With respect to my grandson Chase's trust: My trustee shall distribute sufficient funds to buy the tools Chase needs for his work as soon as possible after this trust is established. My trustee shall make an appropriate monthly payment in an amount deemed reasonable by my trustee directly to Chase each month for his expenses associated with his health and welfare. The monthly amount for Chase is not required to be equal to any monthly payment made to Hunter.

In the event that there are other heirs of my residuary estate, I authorize the trustee to expend the income (and principal if necessary) of the trusts for the health, education, and welfare of said heir. In the event of the death of an heir under this Item V at any time before that heir's trust has been distributed to him/her or on his/her behalf, the remainder of said heir's share of my estate shall be divided equally among the other trusts established pursuant to this Item V.

I further hereby vest said trustee with all of the powers, duties and responsibilities as set out in Tennessee Code Annotated § 35-50-110, and I hereby incorporate said Tennessee Code Annotated § 35-50-110 as if set out herein verbatim.

The trustee's duties and responsibilities as to each heir shall end at the time the proceeds of a particular trust have been paid out in their entirety.

Copy

Regardless of any provision above to the contrary, I direct that upon the death of the last to die of Christy Binkley, Chase Grisham, and Hunter Grisham, all trusts established pursuant to this Item V shall be terminated, and I direct my trustee to distribute any remaining proceeds to my surviving brothers and sisters in equal shares.

I hereby appoint my sister, Esta Hickman, to act as trustee for my said heirs under this Item V. If at any point in time Esta is not able to carry out her duties as trustee or resigns as trustee, I hereby appoint my niece, Joyce Stinson Jennette, to act as successor trustee for my said heirs.

ITEM VI.

At any time when it shall become necessary to divide assets between any of the beneficiaries herein named, or to distribute any of said assets, such division or distribution shall be made in such manner as the executor deems proper and may be made in cash or in kind, or partly in cash and partly in kind, subject to my instructions stated in this Will. The judgment of the executor on the relative value of any other assets shall be binding and conclusive on all parties interested. Further, in making distribution of assets the executor shall not be required to distribute a particular asset pro rata to all beneficiaries entitled to receive a distribution, and the executor may make division and distribution of assets without regard to the basis of such assets for federal or state income tax purposes.

ITEM VII.

In the event any legatee, devisee or other beneficiary under this Will and I shall die simultaneously or under circumstances which make it difficult to determine which of us died first, I direct that such beneficiary shall be deemed to have predeceased me for the purposes of this Will, and I direct further that the provisions of this Will be construed upon that assumption, irrespective of any provision of law establishing a contrary presumption or requiring survivorship

Copy

for a fixed period as a condition of taking property by inheritance.

IN WITNESS WHEREOF, I have hereunto set my hand to this my Last Will and Testament in the presence of the persons witnessing it at my request this 20th day of April, 2016.

Rosa Morton

Rosa Morton

Copy

## CERTIFICATION OF SUBSCRIBING WITNESSES

We the undersigned do hereby certify that Rosa Morton declared and published the foregoing instrument to be her Last Will and Testament in our presence, and that she subscribed the same as her Last Will and Testament in our presence, especially and expressly requesting us to be the attesting witnesses, each signing in the presence of the Testatrix and in the presence of each other and believing the Testatrix to be of sound mind and memory.

WITNESS: _____

ADDRESS: 2618 Old Celina Rd
Nash TN 37214

WITNESS: _____

ADDRESS: 2618 Old Celina Rd
Nash TN 37214

**THIS DOCUMENT WAS PREPARED BY:**

**JUDY A. OXFORD**
**ATTORNEY AT LAW**
**400 SUGARTREE LANE, SUITE 520**
**FRANKLIN, TN 37064**
**PHONE 615-791-8511**

Copy

STATE OF TENNESSEE )
COUNTY OF WILLIAMSON )

Tabitha York, and Glenda Harris, being first duly sworn, according to law, depose and say:

1. That they are adult citizens, sui juris, of Williamson County, Tennessee.

2. That they witnessed the execution of the Last Will and Testament of Rosa Morton, dated the 20th day of April, 2016, to which this affidavit is attached, and that this affidavit is being made at the request of the Testatrix and in accordance with Tennessee Code Annotated § 32-2-110.

3. That their signatures are affixed to the Last Will and Testament, that they signed or affixed the same at the instance and at the request of the Testatrix and in her presence, and in the presence of each other, at the place and on the date recited in said Last Will and Testament.

4. That the Testatrix declared and published said paper writing to be her Last Will and Testament in their sight and presence, and that she signed said paper writing as and for her Last Will and Testament in their sight and presence.

5. That at the time they witnessed said Will, the Testatrix was, in their opinion, of sound mind.

WITNESS

WITNESS

Sworn to and subscribed before me this the 20th day of April, 2016.

RITA THOMPSON
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY
MY COMMISSION EXPIRES 7-3-19

NOTARY PUBLIC

My Commission Expires: 7-3-19