# STATE OF TENNESSEE

Karen Johnson Davidson County
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*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 07 day of MARCH, 2019, in Docket Number 19P283, IN RE: HARRIS, CAROLYN LEEDALE, 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 11 day of MARCH in the year 2019 and in the 242 year of American Independence.*

*RICHARD R. ROOKER, Clerk,*

[SEAL]

RICHARD R. ROOKER CIRCUIT COURT CLERK

*By:* _____
*Deputy Clerk*

19P283

FILED

MAR 07 2019

D.A.D.R. ROOKAR, Clerk

# LAST WILL AND TESTAMENT

# OF

# CAROLYN HARRIS

I, **CAROLYN HARRIS**, of Davidson County, Tennessee, 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 to wills heretofore made by me.

## ARTICLE I

I direct that all of my just debts, including my funeral expenses and the costs of administration, be paid out of my general estate by my executor or executrix as soon as practicable after my death. To this end, I authorize my executor or executrix to sell any of my property, real, personal or mixed, and to execute all conveyances necessary to effectuate such sale. I expressly authorize my executor or executrix to make distributions in-kind. I expressly authorize my executor or executrix, in his or her discretion, to use insurance proceeds payable to my estate to satisfy any debts or taxes of my estate. All inheritance and estate taxes assessable by reason of my death shall be discharged by my estate without charge or apportionment against any beneficiary of assets whether passing under this Last Will and Testament or otherwise.

## ARTICLE II

If, at the time of my death, I shall have prepared a written statement or list disposing of specific items of tangible personal property, whether written before or after the execution of this Last Will and Testament, I direct that such statement or list govern the division or distribution of such items of tangible personal property.



Carolyn Sedale Harris

CAROLYN HARRIS

## ARTICLE III

I hereby give, devise and bequeath to my husband, Emmett H. Harris, all of my remaining property, real, personal or mixed, that I have and any interest in any remaining property, real, personal or mixed, that I may acquire.

## ARTICLE IV

Should my husband, Emmett H. Harris, predecease me in death, I hereby give, devise and bequeath my remaining property, real, personal or mixed, that I have and any interest in any remaining property, real, personal or mixed, that I may acquire as follows:

- To Andrea Pearson Phelan, one (1) piece of nice jewelry. Andrea Pearson Phelan shall also be excused and discharged from any debt that may be due to me.
- To Walter Frank Phelan, the sum of $10,000.00, to be held in trust pursuant to the provisions of the Trust.
- To Jeffrey Clay Phelan, one-third (1/3) of my remaining estate. Jeffrey Clay Phelan shall also be excused and discharged from any debt that may be due to me.
- To Kevin Lee Phelan, one-third (1/3) of my remaining estate.
- To Troy Hall Phelan, one-third (1/3) of my remaining estate, to be held in trust pursuant to the provisions of the Trust.

## ARTICLE V

Notwithstanding the foregoing devise and bequest of my estate, I hereby direct that Troy Hall Phelan, Andrea Pearson Phelan and Walter Frank Phelan shall have the right to live in my house located at 1593 Campbell Road, Goodlettsville, Davidson County, Tennessee 37072. This right shall extend to the vacant lots that I may own at my death. The foregoing right shall expire upon the first



Carolyn Leslie Harris
CAROLYN HARRIS

to occur of the following: (i) Troy's death, or (ii) Troy's decision not to remain in possession of my property. The foregoing persons shall have the right to live in my house rent free. However, as a condition to this right, they must pay any and all expenses of upkeep, including, but not limited to, insurance, taxes and all necessary maintenance expenses. The foregoing persons shall not commit waste of my property. Upon expiration of the foregoing right, my house and lots shall be sold and the proceeds of such shall be divided pursuant to Article IV, above.

**ARTICLE VI**

The Emmett H. Harris Testamentary Trust (the "Trust") shall be administered and distributed as follows:

(A) Walter Frank Phelan. Subject to the Trustee's sole and absolute discretion, the Trustee shall distribute to my great-nephew, Walter Frank Phelan, his $10,000.00 bequest as follows:

(i) As much of the annual net income and/or corpus as is reasonably necessary for Walter's health, support, maintenance and best interests;

(ii) On an annual basis, the Trustee shall distribute exactly $2,000.00 to Walter for as long as the above funds provide; and

(iii) Should Walter pass away before depletion of his portion of the Trust, his estate shall be entitled to the remaining funds, free from trust.

(B) Troy Hall Phelan. Subject to the Trustee's sole and absolute discretion, the Trustee shall distribute to my nephew, Troy Hall Phelan, his one-third (1/3) bequest as follows:

(i) As much of the annual net income and/or corpus as is reasonably necessary for Troy's health, support, maintenance and best interests;

(ii) On an annual basis, the Trustee shall distribute exactly ten percent (10.00%)



Carolyn L. Harris
CAROLYN HARRIS

of his portion of the Trust to Troy for as long as the above bequest provides; and

(iii) Should Troy pass away before depletion of his portion of the Trust, his estate shall be entitled to the remaining funds, free from trust.

## ARTICLE VII

In the event that any beneficiary under this Last Will and Testament has not reached majority or is deemed incompetent, his or her parent or lawfully-appointed guardian (in the event of minority) or conservator (in the event of incompetency) shall administer the property received hereunder for that person's sole benefit.

## ARTICLE VIII

I hereby nominate, constitute and appoint my nephew, Kevin Lee Phelan, as Executor of my estate. Any lawfully-appointed successor personal representative shall act under the same terms and conditions as set out herein. I direct that no bond or other security shall be required of my said executrix or executor for the faithful performance of their duties as such and that they shall not be required to file an inventory nor accounting of my estate. My executrix or executor furthermore shall be authorized to make distributions and/or dispositions (including any disposition of real property) from my estate during administration without prior court approval. For his or her services as executor or executrix, my personal representatives shall receive reasonable compensation for the services rendered and reimbursement for reasonable expenses.

## ARTICLE IX

I nominate and appoint my nephew, Kevin Lee Phelan, as Trustee of the Trust. Any lawfully-appointed successor trustee shall serve under the same terms and conditions as set out herein. I direct that no bond or other security shall be required of my trustee for the faithful performance of



Carolyn Lodale Harris
**CAROLYN HARRIS**

his or her duties. My trustee shall receive reasonable compensation for the services rendered and reimbursement for reasonable expenses. My trustee may only invest the principal of any trust in one or more risk-free, interest-bearing bank accounts or certificates of deposit. Each bank account shall be fully-insured by the Federal Deposit Insurance Corporation. However, my trustee may invest the principal of the Trust in one or more investments containing risk greater than that normally recognized by interest-bearing bank accounts or certificates of deposit, on the condition that my trustee invest the principal only with the advice and assistance of a licensed financial advisor. NOTWITHSTANDING ANYTHING IN THIS INSTRUMENT TO THE CONTRARY, if the trustee, in its sole and absolute discretion, believes that a beneficiary of any trust hereunder is under the influence of drugs or alcohol or is otherwise physically or mentally impaired, or if the trustee believes that the beneficiary is incapable of receiving and handling the sums previously set forth (whether periodic distributions or corpus), then the trustee shall be entitled to withhold any distribution or corpus payments otherwise directed by this instrument until the trustee believes the beneficiary is capable of receiving and handling such payments.

## ARTICLE X

In addition to the power and authority otherwise specified herein, any personal representative or trustee hereunder shall be vested with the powers set forth in Tennessee Code Annotated § 35-50-110 and the Tennessee Uniform Trust Code. The foregoing powers vested are hereby incorporated herein by reference. Such powers may be exercised even after termination of all trusts hereunder and until actual distribution of all trusts hereunder and until actual distribution of all the trust estate, but not beyond the period permitted by any applicable rule of law relating to perpetuities.



Carolyn Ledale Harris
CAROLYN HARRIS

## ARTICLE XI

No principal, income or property of any trust estate created herein shall be liable for or charged with any debts, contracts, liabilities or torts of a beneficiary or subject to seizure or other process by any creditor, judge or trustee in bankruptcy of a beneficiary. No beneficiary shall have the power to anticipate, encumber or transfer his or her interest in any trust estate in any manner. It is my desire that except as otherwise expressly stated herein, no right of disposition of any such property shall vest in any beneficiary until it shall have been actually transferred or paid over to that beneficiary in accordance with the provisions hereof. All principal, income and property distributed pursuant to the provisions hereof shall be distributed as the sole and separate property of the person to whom it is given and the principal, income and property shall remain the sole and separate property of said person. It is also my desire that no principal, income or property of any beneficiary hereof shall be interpreted as marital property.

## ARTICLE XII

If any beneficiary and I should die under such circumstances as would make it doubtful whether the beneficiary or I died first, then it shall be conclusively presumed for the purposes of this Last Will and Testament that the beneficiary predeceased me.

**IN WITNESS WHEREOF**, I have hereunto set my hand to this my Last Will and Testament at Goodlettsville, Tennessee, on this the 26th day of July, 2017.

Carolyn Lorlak Harris
**CAROLYN HARRIS**



Carolyn L. Harris
**CAROLYN HARRIS**

Signed, sealed, published and declared by the Testator, **CAROLYN HARRIS**, to be her Last Will and Testament in the presence of us the undersigned, who at her request and in her sight and presence and in the presence of each other have subscribed our names as witnesses and we do hereby attest to the sound and disposing mind of said Testator and to the performance of the aforesaid act of execution at the place and on the date herein set out.

Rhonda Howarth Riley
WITNESS

Betty C Haynes
WITNESS



Carolyn L. Harris
**CAROLYN HARRIS**

STATE OF TENNESSEE )

COUNTY OF DAVIDSON )

Rhonda Howell Bélegard and Betty C Haynes, being duly sworn, make oath that they are the witnesses to the Last Will and Testament of **CAROLYN HARRIS**, being dated on the 26th day of July, 2017, that at the time of the signing of said document, they and the Testator were more than eighteen (18) years of age, that said document was signed by **CAROLYN HARRIS** in their presence, and that they, at the request of the Testator, and in their sight and presence and in the sight and presence of each other, subscribed their names as witnesses to said document and in their opinion the Testator, **CAROLYN HARRIS**, was at the time of sound mind and disposing memory, and that said Will was entered into without undue influence or coercion.

Rhonda Howell Bélegard
WITNESS

Betty C Haynes
WITNESS

Sworn to and subscribed before me,

this 26 day of July, 2017.

JOSH HAWKINS
NOTARY PUBLIC
STATE OF TENNESSEE
NOTARY PUBLIC
COUNTY OF SUMNER

NOTARY PUBLIC

My Commission Expires: 12/18/17

MY COMMISSION EXPIRES:
DECEMBER 18, 2017

Carolyn Lucille Harris
CAROLYN HARRIS

19P283

FILED
MAR 07 2019
BY PAM R. FOSTER, Clerk
DEPUTY

**FIRST CODICIL TO THE**

**LAST WILL AND TESTAMENT**

**OF**

**CAROLYN HARRIS**

I, **CAROLYN HARRIS**, of Davidson County, Tennessee, having heretofore made and published my Last Will and Testament, which bears a date of July 26, 2017, after ratifying the terms and provisions to my said Last Will and Testament, do hereby make and declare this as my First Codicil thereto, to-wit:

1. Article IV shall be amended to add the following:

- To Troy Hall Phelan, my motorhome, Bobcat, boat and trailer, free from trust.

2. The following shall be added as Article XIII:

Any interest in my estate given to a beneficiary either outright or in trust is hereby revoked and shall be disposed of in the same manner as if the beneficiary and all descendants of that beneficiary had predeceased me in the event that the beneficiary at any time (i) in any manner, directly or indirectly, contests this Last Will and Testament or any of its provisions, or any trust created hereunder, or (ii) is adjudged guilty by a court of competent jurisdiction or has entered a plea of guilty in such court with respect to an act of violence directed towards me or my spouse.



Carolyn L. Harris
**CAROLYN HARRIS**

IN WITNESS WHEREOF, I have hereunto set my hand to this First Codicil to my Last Will and Testament, and do hereby state that all unaffected provisions of said Last Will and Testament shall remain in full force and effect, at Goodlettsville, Tennessee, on this the 18 day of July, 2017.

Carolyn L. Harris

**CAROLYN HARRIS**



Carolyn L. Harris

**CAROLYN HARRIS**

Signed, sealed, published and declared by the Testator, **CAROLYN HARRIS**, to be her First Codicil to her Last Will and Testament in the presence of us the undersigned, who at her request and in her sight and presence and in the presence of each other have subscribed our names as witnesses and we do hereby attest to the sound and disposing mind of said Testator and to the performance of the aforesaid act of execution at the place and on the date herein set out.

Arthur M Dunn
WITNESS

Jack Lassiter
WITNESS



Carolyn L. Harris
**CAROLYN HARRIS**

STATE OF TENNESSEE )

COUNTY OF DAVIDSON )

Arthur M Harris and JACK LASSITER, being duly sworn, make oath that they are the witnesses to the First Codicil to the Last Will and Testament of **CAROLYN HARRIS**, being dated on the 28 day of July, 2017, that at the time of the signing of said document, they and the Testator were more than eighteen (18) years of age, that said document was signed by **CAROLYN HARRIS** in their presence, and that they, at the request of the Testator, and in their sight and presence and in the sight and presence of each other, subscribed their names as witnesses to said document and in their opinion the Testator, **CAROLYN HARRIS**, was at the time of sound mind and disposing memory, and that said First Codicil was entered into without undue influence or coercion.

Arthur M Harris
WITNESS

Jack Lassiter
WITNESS

Sworn to and subscribed before me,

this 28 day of July, 2017.

JOSH HANKINS
STATE OF TENNESSEE
NOTARY PUBLIC
COUNTY OF SUMNER

NOTARY PUBLIC

My Commission Expires: 12/18/17

MY COMMISSION EXPIRES:
DECEMBER 18, 2017

Carolyn L. Harris
**CAROLYN HARRIS**