Karen Johnson Davidson County
Batch# 265257 WILL
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Fees: $27.00 Taxes: $0.00
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STATE OF TENNESSEE

I, RICHARD R. ROOKER, Clerk of the Circuit Court for Davidson County, do hereby certify that the foregoing is a true and complete copy of the **LAST WILL AND TESTAMENT** heretofore assigned to Seventh Circuit Court (Probate Division) for Davidson County, Tennessee, Case No. **19P-1249**.

ESTATE OF BENJAMIN M. PHILLIPS III

IN TESTIMONY WHEREOF, I hereunto subscribe my name and affix the seal of said Court, at office, in Nashville, the 31st day of July in the year Two Thousand and nineteen.

RICHARD R. ROOKER CIRCUIT COURT CLERK

RICHARD R. ROOKER, Clerk

By: _____
Deputy Clerk

CFN 2019104232, OR BK 8439 Page 1606, Recorded 05/15/2019 at 02:24 PM Scott Ellis, Clerk of Courts, Brevard County

19D1249

05-2019-CP-25611-XXXX-XX

Last Will and Testament for Benjamin Maddin Phillips III

Declaration

I, Benjamin Maddin Phillips III, a resident of the state of Florida; and being of sound mind and memory, do hereby make, publish, and declare this to be my Last Will and Testament. All references herein to "this Will" refer only to this document.

Family

At the time of executing this Will, I am an unmarried widower. I have no children.

Specific Bequest

1. I give my property at 604 S. Wilson Blvd., Nashville, Tennessee 37215-1038, including all contents of the house and property, jointly and in equal portions to the following four persons:
   - My cousin, Charles Stephen Young
   - My cousin, David Martin Young
   - My cousin, Kenneth Murray Young
   - The daughter of my aunt-in-law, Linda Jane Fuller

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SCOTT ELLIS

2. I direct that as soon as practical after my death, the executor named pursuant to this Will review all my just debts and obligations associated with this property except for those secured long-term debts that may be assumed by the beneficiary of such property, unless sch assumption is prohibited by law or on agreement by the beneficiary. The executor is further directed to pay any attorney's fees and any other estate administration expenses. The executor shall pay these just debts only after a creditor provides timely and sufficient evidence to support its claim and in accordance with applicable state law. These expenses are to be apportioned among the four beneficiaries named above.

3. If any of the four beneficiaries does not survive me, his or her portion will be distributed to his or her children in equal portions. If said beneficiary does not have living children at the time of my death, then that beneficiary's portion will lapse, and be distributed equally among the remaining beneficiaries.

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OR BK 8439 PG 1607

WPIII

Extent of this Will

This Will affects only the distribution of my Nashville property at 604 S. Wilson Blvd. and supersedes any other directive related to this property.

Executor Nomination

I nominate my cousin, Charles Stephen Young, to be the executor of this Will.

If, for any reason, my first nominee is unable or unwilling to serve or to continue to serve as executor of this will, I nominate my cousin, David Martin Young, to be the successor executor.

If, for any reason, my first nominee is unable or unwilling to serve or to continue to serve as executor of this will, I nominate my cousin, Kenneth Murray Young, to be the successor executor.

If none of the nominated executors are able, willing, and authorized to serve, and the vacancy is not filled as set forth above, the majority of estate beneficiaries shall nominate a successor executor. If the majority of estate beneficiaries are unable to nominate a successor executor, the vacancy will be filled pursuant to a petition filed by the resigning executor or any person interested in the estate in a court of competent jurisdiction.

Miscellaneous Provisions

The term "executor" includes any executrix, personal representative, or administrator, if those terms are used in the statutes of any state that has jurisdiction over all or any portion of my estate.

My executor will have broad discretion in the administration of this bequest to exercise all of the powers permitted to be exercised by any executor under state law, including the power to sell estate assets with or without notice, at either public or private sale, and to do everything he or she deems advisable and in the best of my estate and the beneficiaries thereof, all without the necessity of court approval or supervision. I direct that my executor perform all acts and exercise all such rights and privileges, although not specifically mentioned in this Will, and with relation to any such property, as if the absolute owner thereof and, in connection therewith, to make, execute, and deliver any instruments, and to enter into any covenants or agreements binding my estate or any portion thereof.

If there are two co-executors serving, they shall act by unanimous agreement. If there are more than two co-executors serving, they shall act in accordance with the decision made by the majority of co-executors.

Subject to specific provisions to the contrary, I authorize my executor to distribute a share of my estate to a minor beneficiary, up to the whole thereof, to a custodian under the Transfers to Minors Act or Gifts to Minors Act, if in the executor's discretion, it is in the best interest of the beneficiary. The executor may also make distribution to the trustee of a trust created under this Will for a minor beneficiary, the guardian of the minor's person, or the guardian of the minor's estate.

No person named as an executor is requested to post any bond.

I authorize my executor to make the following choices or elections in my executor's absolute discretion, regardless of the resulting effect on any other provisions of the Will or on any person interested in my estate or in the amount of any of the taxes referred to: (a) choose a valuation date for estate or inheritance tax purposes or choose the methods to pay estate or inheritance taxes; (b) elect to treat or use an item, for either state or federal tax purposes, as either an income tax deduction or as a deduction for estate or inheritance tax purposes; (c) determine when a particular item is to be treated as taken into income and used as a tax deduction, to the extent the law provides for that choice; and (d) disclaim all or any portion of any interest in property passing to my estate at or after my death, even though any of these actions may subject my estate to additional tax liabilities. No person adversely affected by my executor's exercise of discretion under this clause is entitled to any reimbursement of adjustment, and my executor is not required to make any adjustment between income and principal or in the amount of any property passing under this Will as a result of any election under this provision.

I authorize my executor, without obtaining court approval, to employ professional investment counsel on such terms as my executor considers proper, and to pay the fees of investment counsel as an expense of administration of my estate. However, my executor is under no obligation to employ any investment counsel.

Nonliability of Fiduciaries

Any fiduciary, including my executor and any trustee, who in good faith endeavors to carry out the provisions of this Will, will not be liable to me, my estate, my heirs, or my beneficiaries for any damages or claims arising because of their actions or inactions, or the actions of any predecessor fiduciary acting pursuant to this Will. My estate will indemnify and hold them harmless.

ATTESTATION

This Will which has been separately signed by Benjamin Maddi Phillips III, the testator, was on the date indicated below signed and declared by the above-named testator as his Last Will and Testament in the presence of each of us. We, in the presence of the testator and each other, at the testator's request, under penalty of perjury, hereby subscribe our names as witnesses to the declaration and execution of the Last Will and Testament by the testator, and we declare that, to the best of our knowledge, said testator is fourteen years of age or older, of sound mind and memory and under no constraint or undue influence.

1. Patrick M. Fox Signature of witness

Patrick M. Fox (print name) Date: 2/5/19

295 Yumas Dr. (Address)

Titusville, FL 32796 (City, State, Zip)

2. Angela Dean Signature of witness

Angela Dean (print name) Date: 2/5/19

26160 Knox McRae Dr. (Address)

Titusville FL 32780 (City, State, Zip)

STATE OF FLORIDA, COUNTY OF BREVARD
I HEREBY CERTIFY that the foregoing is a true copy of the original Last Will and Testament deposited with this office and may contain redactions as required by law. I further certify the same has not been admitted to Probate in this Court.
SCOTT ELLIS, Clerk of the Circuit Court
Date 6-17-19 By Diana Smith