Karen Johnson Davidson County
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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-1353**.

**ESTATE OF RACHEL CHOJNACKI**

**IN TESTIMONY WHEREOF,** I hereunto subscribe my name and affix the seal of said Court, at office, in Nashville, the 1st day of August in the year Two Thousand and nineteen.

RICHARD R. ROOKER CIRCUIT COURT CLERK

**RICHARD R. ROOKER,** Clerk

**By:** _____
Deputy Clerk

19P1353

LAST WILL AND TESTAMENT

OF

RACHEL CHOJNACKI

I, RACHEL CHOJNACKI, domiciled in Davidson County, Tennessee, do make, publish and declare this to be my Last Will and Testament, hereby revoking all wills and codicils heretofore made by me.

I

I appoint my daughters, ADELE BERKON and ESTHER REMER, to be the Executors of this my Last Will and Testament and direct that no bond be required of them for the faithful performance of their duties; I vest my said Executors with full power and authority to sell, transfer and convey any property, real or personal, which I may own at the time of my death at such price and upon such terms as they may determine and to do every other act and thing necessary or appropriate to complete the administration of this Will. If either one of my daughters should be unable or unwilling to serve or continue to serve as one of my Executors, then the remaining one of them shall serve as my sole Executor. Any successor Executor serving hereunder shall not be required to inquire into or audit the acts or doings of my Executors or to make any claim against them or their estate. Any successor Executor serving hereunder shall have and may exercise any and all of the powers, privileges, immunities and exemptions herein conferred on my Executors.

II

I direct that all my just debts that constitute enforceable claims against my estate (except debts secured by mortgages or other security instruments, which may be paid or retained in the discretion of my Executors), including funeral and testamentary

expenses, the cost of a suitable monument at my grave, the expense of my last illness, unpaid charitable pledges (whether or not the same are enforceable obligations of my estate) and the cost of administration of my estate be paid as soon as practical after my death. All such debts and expenses shall be paid from my residuary estate. Additionally, if there are any estate taxes incurred as a result of my death, those taxes, as finally determined, together with any interest or penalties associated therewith, shall be paid from my residuary estate.

III

I may, at the time of my death, be the owner of (i) one or more annuities where one or more beneficiaries after my death is(are) designated and/or (ii) some other asset whose governing document has terms directing the passage of its benefits after my death. It is my intent that the governing terms of such aforementioned assets shall govern the passage of those assets. I direct my Executors to abide by the terms of same.

IV

I direct that my Executors shall divide all the rest, residue and remainder of my property, whether real, personal or mixed, into as many equal-in-value shares as I have living daughters (at the time of my death) and then deceased daughters with issue then living. Each share established for a living daughter of mine shall be distributed outright to her. Each share established for the then living issue of a deceased daughter of mine shall be distributed outright to such deceased daughter's issue then living, per stirpes.

V

A. If, under the provisions of Item IV, any part of my estate is to be distributed to a person who is then under the age of thirty (30), then I direct that, notwithstanding the provisions of Item IV, the amount otherwise passing to such person shall be distributed to a trust named for such person and held for his or her benefit until the earlier of such time as he or she attains the age of thirty (30) or dies, at which time the assets then held in the trust shall be distributed outright to him or her, or to his or her estate (as applicable). Prior to the termination of the trust, the income and principal of the trust shall be held or distributed to or for the benefit of such person as the Trustee, in his sole and absolute discretion, may deem to be appropriate so as to provide for the person's education, support, medical needs and reasonable comfort.

B. The Trustee of each trust which may be established hereunder shall the then living father of the person for whom the trust is named. I hereby waive any requirement that any such Trustee post any bond to secure the faithful performance of his duties. Any Trustee serving hereunder shall have all the powers enumerated in the provisions of T.C.A. §35-50-110, including the introductory paragraph and all subparagraphs thereof to the extent applicable. 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.

VI

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

A. The powers enumerated in the provisions of T.C.A. §35-50-

110 Tennessee Code Annotated, including the introductory paragraph and all subparagraphs thereof to the extent applicable. 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.

B. The power to exercise any election available to my estate with regard to claiming any administration expense 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, if any, on my estate and shall not require adjustments as between the income and principal accounts of my estate. I hereby relieve my Executors of any liability to any beneficiary by reason of making or failing to make any such election.

C. To the extent allowable under applicable Tennessee law at the time of my death, I hereby relieve my Executors from any duty or responsibility to file accountings, reports or inventories with any court having jurisdiction over my estate.

D. Pursuant to the authority of T.C.A. §31-2-103, all real property that I may own at the time of my death shall be administered as part of my estate subject to the control of my Executors.

VII

A. Purchasers from, lenders to and others dealing with my Executors shall not be required to inquire as to the occasion for such sale, loan or other transaction, nor to see to the application of such purchase, loan or other money or property. Written receipts and/or canceled checks retained by my Executors shall be good and sufficient discharges for the sums therein stated to have been received. Transfer agents and other persons dealing with my Executors may deal with them as if they were the sole owners of the

property dealt with.

B. My Executors shall be entitled to reasonable compensation for services rendered, and may be reimbursed for their expenses. Any such expenses may be charged, in the discretion of the Executors, to either income or principal.

VIII

A. Currently, my immediate family includes only my two (2) daughters, ADELE BERKON and ESTHER REMER.

B. My husband, WOLF CHOJNACKI, pre-deceased me.

IX

In referring to any person in this Will, 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, any reference to the word "Executors" shall be deemed to refer to such successor Executor.

IN WITNESS WHEREOF, I have hereunto subscribed my name to this my Last and Testament, consisting of eight (8) typewritten pages (including the affidavit) and for the purposes of identification I have initialed each such page, all in the presence of the persons witnessing it at my request, on this the 18th day of November, 2016.

Rachel Chojnacki
RACHEL CHOJNACKI

The foregoing instrument was signed, published and declared by RACHEL CHOJNACKI, the Testatrix, to be her Last Will and Testament, in the presence of all of us at one and the same time, and we, at her request, and in her presence and in the presence of each other, have hereunto subscribed our names as witnesses this 18th day of November, 2016, at Nashville, Tennessee, this clause having first been read to us aloud.

| WITNESSES: | ADDRESSES: |
| --- | --- |
| _____ | 1211 16th Ave. S.<br>Nashville TN 37212 |
| _____ | 5722 KNOB RD.<br>NASHVILLE, TN 37209 |

STATE OF TENNESSEE )
)
COUNTY OF DAVIDSON )

AFFIDAVIT

Personally appeared before me, the undersigned notary public, Claiborne K. McLemore III and Suzanne G. McLemore, who, after being duly sworn according to law, depose and say:

1. That they are citizens of Davidson and Davidson Counties, respectively, and are each more than eighteen (18) years of age.

2. That they witnessed the execution of the Last Will and Testament of RACHEL CHOJNACKI, the Testatrix, dated November 18, 2016, to which this Affidavit is attached, and that this Affidavit is being made at the request of the Testatrix.

3. That the Testatrix signed said paper writing as and for her Last Will and Testament in their sight and presence at one and the same time.

4. That their signatures are affixed to said 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.

5. That at the time they witnessed said Will, the Testatrix was, in their opinion, more than eighteen (18) years of age, of sound mind and disposing memory, and did not appear to be under any undue influence.

Sworn to and subscribed to before me, this 18th day of November, 2016.

Notary Public

My commission expires: October 20, 2020

NANCY BOWEN
STATE OF TENNESSEE
NOTARY PUBLIC
COUNTY OF SUMNER