Karen Johnson Davidson County
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THIS INSTRUMENT PREPARED BY:
Watkins & McNeilly, PLLC
214 2nd Avenue, North, Suite 300
Nashville, TN 37201

AMENDED AND RESTATED AFFIDAVIT OF HEIRSHIP

STATE OF ALABAMA)
COUNTY OF LAUDERDALE)

WHEREAS, the undersigned, NORMAN L. HAGETT, executed that certain Affidavit of Heirship on October 15, 2019, such Affidavit being recorded with the Davidson County Register of Deeds on November 6, 2019 as Instrument No. 20191106-0114818;

WHEREAS, Section 7 of the Affidavit of Heirship is in error in that the name of one of the Decedent's brothers is incorrect;

WHEREAS, the undersigned wishes to correct such error;

NOW THEREFORE, the undersigned hereby amends and restates the Affidavit of Heirship in its entirety as follows:

The undersigned, NORMAN L. HARGETT, being of legal age and first duly sworn, does hereby make oath pursuant to Tenn. Code. Ann. § 30-2-712 to establish certain facts concerning the relationship of JOHN HERBERT FOUST and STEVEN PAUL FOUST to DAVID WARNER FOUST (the "Decedent"), who died on September 13, 2015. The facts set forth in this Affidavit of Heirship are pertinent to determine the persons who currently owns the interest of the Decedent in the real property described hereinbelow and to determine the shares in the real property inherited.

1. The undersigned, NORMAN L. HARGETT, resides at 231 Oak Brook Drive, Florence, Lauderdale County, Alabama and makes the statements in this Affidavit of Heirship based upon his own personal knowledge and the public records described herein. NORMAN L. HARGETT was personally acquainted with the Decedent during his lifetime and has known the Foust family for over fifty-five (55) years.

2. Decedent and PHYLLISS JANE FULTON were married on or about June 8, 1991. Prior to the marriage, PHYLLISS JANE FULTON and her father, DANIEL E. FULTON, owned, as joint tenants with right of survivorship, residential real property and improvements located at 303 Yorkshire Circle, Nashville, Tennessee 37211 (the "Real Property"), each owning a one-half (1/2) undivided interest. The Real Property is more specifically described on Exhibit A attached hereto and incorporated herein by reference.

3. PHYLLISS JANE FULTON FOUST died intestate on August 16, 1998, without issue, and was survived by her husband, DAVID WARNER FOUST. Her estate was administered in the Probate Court for Davidson County, Tennessee, Docket No. 98P-1404.

4. Following the death of PHYLLISS JANE FULTON FOUST, her father, DANIEL E. FULTON, disclaimed his interest in the Real Property by instrument of record in Book 11352, page 23, Register's Office for Davidson County, Tennessee.

5. DANIEL E. FULTON died on February 23, 2005, his estate being administrated in the Chancery Court for Marshall County, Tennessee, Docket No. 13511.

6. In order to resolve any issues as to the title to the Real Property, the Executor of the Estate of Daniel E. Fulton and all of the residual beneficiaries under the Last Will and Testament of Daniel E. Fulton conveyed their respective interests in the Real Property to the Decedent by Quitclaim Deed, of record in Instrument No. 20081209-118952, Register's Office for Davidson County, Tennessee.

7. DAVID WARNER FOUST died intestate on September 13, 2015 leaving no spouse, children or parents surviving him. The Decedent was survived by his two adult siblings, JOHN HERBERT FOUST and STEPHEN PAUL FOUST.

8. DAVID WARNER FOUST was one of three (3) children of EDWARD WARNER FOUST and RUDY FAYE FOUST. The Decedent had no siblings other than the two brothers identified above. Therefore, the sole heirs at law of DAVID WARNER FOUST are his adult brothers, both of whom are living, and whose addresses are as follows:

JOHN HERBERT FOUST
205 Baisden Court
Sheffield, AL 35660

STEVEN PAUL FOUST
331 Martin Drive
Muscle Shoals, AL 35660

9. Pursuant to the Tennessee laws of descent and distribution, upon the death of DAVID WARNER FOUST, the Real Property descended to JOHN HERBERT FOUST and STEVEN PAUL FOUST as tenants in common, each owning an undivided one-half (1/2) interest in the Real Property.

Further affiant saith not.

Norman L. Hargett

NORMAN L. HARGETT

Sworn to and subscribed by me this 13th day of November, 2019.

Notary Public

My Commission Expires:

8/10/2021

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EXHIBIT A

Land in Davidson County, Tennessee, being Unit No. K-122 on the Re-Subdivision of Lot No. 2, Phase IV, Villages of Brentwood, of record in Plat Book 6900, page 614, Register's Office for Davidson County, Tennessee, to which Plan reference is hereby made for a more complete and accurate description.

Being the same property conveyed to David W. Foust by Quitclaim Deed of record in Instrument No. 20081209-118952, Register's Office for Davidson County, Tennessee.