Karen Johnson Davidson County
Batch# 318370 AFFIDAVITH
11/22/2019 09:22:39 AM 4 pgs
Fees: $22.00 Taxes: $0.00
20191122-0120712

This Instrument Prepared By and Return To:
Rudy Title and Escrow, LLC
2012 21st Avenue South
Nashville, TN 37212
Phone: (615)383-2903

AFFIDAVIT OF HEIRSHIP

I, **James Kelly**, hereinafter referred to as Affiant, being at least eighteen (18) years of age, and after being first duly sworn, make oath as follows:

1. That Affiant presently resides at the following address: 170 Pearl Street S.E., Atlanta, Georgia 30316.

2. That Affiant personally knew **Helen Kelly** (also known as **Helen McGhee Kelly**, and hereinafter referred to as the "Decedent"), and has personal knowledge of the family of the Decedent.

3. That Affiant is Decedent's son.

4. That the Decedent died testate on June 6, 2019, and was at that time a resident of Davidson County, State of Tennessee.

5. That Decedent was unmarried at the time of her death.

6. That all of the children born to (or adopted by) the Decedent during her lifetime are: **Patrick Thomas Kelly** and **James Kelly**.

7. That Decedent's Last Will and Testament, a copy of which is attached hereto as Exhibit A, devises Decedent's interest in real property to Patrick Thomas Kelly and James Kelly; however, said Last Will and Testament has not been probated.

8. That the following persons constitute, as of the date of this Affidavit, all of the heirs-at-law of the Decedent: Patrick Thomas Kelly and James Kelly.

9. That Affiant understands that whoever willfully, corruptly and falsely swears to any statement in an Affidavit of Heirship, known to such person to be false, or about which the person does not have sufficiently definite knowledge to justify the making of such a sworn statement, and the statement is false, commits a Class E felony.

10. Additional information, if any, either known or understood to be true by Affiant:

_____

_____

FURTHER AFFIANT SAITH NOT.

James Kelly, Affiant

STATE OF GA)

COUNTY OF DeKalb)

Before me, the undersigned, a Notary Public in and for the State and County aforesaid, personally appeared the within named Affiant, James Kelly, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), who made oath that the statements contained in the foregoing affidavit are true of Affiant's own knowledge.

WITNESS my hand and official seal this the 8th day of November, 2019.

Kim Carlyle
Notary Public

My Commission expires: 3-22-23

Kim Carlyle
Notary Public
My Commission Expires
3-22-23
DeKalb County, Georgia

EXHIBIT A

Last Will and Testament

HELEN McGHEE KELLY

I, HELEN McGHEE KELLY, a citizen and resident of 213 Friendship Drive, Goodlettsville, Davidson County, Tennessee, and being of sound mind and disposing memory, do hereby make, publish and declare this to be my Last Will and Testament, hereby revoking any Wills and Codicils that I have made heretofore.

ARTICLE I

It is my Will and I hereby direct that my Personal Representative, hereinafter named, or any successor thereto, pay out of any monies coming into his or her hands from my estate, all of my just debts, funeral and burial expenses, costs of monument, if any, and costs and expenses of administration, and also, any succession, inheritance, or estate taxes, federal or state; and I hereby authorize and empower my Personal Representative, at his or her discretion, to sell such of my property, whether real, personal or mixed, as is necessary to pay the same.

ARTICLE II

I nominate and appoint my sons, James Kelly of Atlanta, Georgia and Patrick Thomas Kelly to serve as Co-Executors of this my Last Will and Testament, without the necessity of making bond.

I further direct that no inventory or accounting, including beginning, interim, or final, be required of the Personal Representative. I further request that my Personal Representative to receive a reasonable fee for his services as Personal Representative.

I leave any and all personal and real property to my two sons, James Kelly and Patrick Thomas Kelly, to be theirs absolute and in fee simple, to share and share alike in equal shares.

ARTICLE III

If either of the listed beneficiaries predecease me or die prior to the distribution of their share, then their share shall be distributed to the other surviving beneficiary..

Initials H.K

IN WITNESS WHEREOF, I have hereunto set my signature this 28th day of

July, 2008, to this my Last Will and Testament, and have subscribed the

foregoing 2 pages at the bottom thereof for the purpose of identification.

Helen McGhee Kelly
HELEN McGHEE KELLY
Testatrix

Signed by the said HELEN McGHEE KELLY, as and for 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 and sight of each other, have subscribed our names as attesting witnesses, the day and date first above written.

WITNESS:

Linda D. Porter

ADDRESS:

509 Kelly Drive
Madison, Tn. 37115

Sarah Perton

7800 Old Charlotte Pk
Nashville, TN 37205