EFILED 03/27/20 08:58 AM CASE NO. 20P468 Richard R. Rooker, Clerk

20P468

Karen Johnson Davidson County
Batch# 378725 WILL
03/27/2020 12:36:30 PM 11 pgs
Fees: $57.00 Taxes: $0.00
20200327-0033409

Last Will & Testament

FILED
MAR 27 2020
RICHARD R. ROOKER, Clerk
By _____ Deputy

I, IDA M. JOHNSON, a resident of Merced County, California, do hereby make and declare this to be my Will, and I hereby revoke all my prior Wills and Codicils.

Article First

DECLARATION CONCERNING FAMILY

Section 1.1. I declare that I am a married man, that the name of my husband is LARRY M. JOHNSON, and that all references in this Will to "my husband" are to him.

Section 1.2. I declare that I have three (3) children now living, whose names and places of residence are as follows:

PATRICE LYNETTE MCCLINTON residing in Douglasville GA;
RUKIYA T. CROSS residing in Citrus Heights CA;
LINJE M. JOHNSON residing in Merced, CA;

Section 1.3. I declare that I have no deceased children who left any living descendants.

Article Second

CONFIRMATION OF COMMUNITY INTEREST

Section 2.1. I confirm unto my husband her interest in any community property we may own at the time of my death.

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Article Third

GIFTS AND DEVISES

In the event of my death, I hereby make the following gifts and devises:

Section 3.1. I give my personal automobiles, jewelry, silver, coins, books, pictures, works of art, household furniture and furnishings, clothing and other personal effects to my husband, LARRY M. JOHNSON, if He survives me by forty (40) days. In the event my husband does not survive me for such period, I give all of such personal property to those of my children who survive me by forty (40) days in equal shares as they shall agree, or as my Executor shall, in my Executor's discretion, determine if my children are unable to agree; provided, however, that if I have left any type of written list or letter which specifically indicates that certain of such items are to be distributed to certain children, then it is my request that my Executor will honor such list in making the distribution of such property between the children.

Section 3.2. I give the residue of my property and estate, wherever situated, to the Trustee of that trust designated as THE LARRY AND IDA JOHNSON REVOCABLE LIVING TRUST established July 22, 2013, of which my husband and I are the designated Settlors, and the Trustees, and I direct that said residue shall be added to, administered, and distributed as part of said Trust, according to the terms of that trust and any amendments made to it prior to my death. It is my intent, if it be permissible, not to create a separate trust by this Will nor to subject THE LARRY AND IDA JOHNSON REVOCABLE LIVING TRUST nor the property added to it by this Section 3.2 to the jurisdiction of the probate court.

Section 3.3. If the disposition in Section 3.2 above is inoperative or invalid for any reason, or if the trust referred to therein fails or is revoked, I incorporate herein by reference the terms of the Trust Agreement as executed on July 22, 2013, without giving effect to any amendments made subsequently, and I bequeath and devise the residue of my estate to the Trustee named in the trust as Trustee, to be held, administered, and distributed as provided in this instrument.

Section 3.4. Notwithstanding any of the provisions of Sections 3.2 and 3.3 above, if the residue of my estate is of relatively small value, and to do so would eliminate the necessity of a formal probate, I give such residue to my husband, LARRY M. JOHNSON, if he survives me by Forty (40) days, and if he fails to survive me then in equal shares, to those of our children who survive me by forty (40) days, free of trust.

Article Fourth
PAYMENT OF DEBTS AND TAXES

The following provisions shall govern the payment of debts and taxes:

Section 4.1. Subject to the limitations imposed by applicable law, I authorize my Executor to pay from the assets of my probate estate in the manner and at the time my Executor determines, any and all of my unsecured debts (including unpaid tax liabilities arising prior to my death), the expenses of my last illness and funeral, expenses of estate administration, and any other proper expenses of my estate. If the assets of my probate estate are insufficient to cover the payment of all such expenses, my Executor is authorized to request that the Trustees of THE LARRY AND IDA JOHNSON REVOCABLE LIVING TRUST share in the payment of such expenses as provided under the Declaration of Trust and Trust Agreement for such trust.

Section 4.2. All federal and state estate taxes that may, by reason of my death be attributed to (1) any property in my probate estate or (2) any property passing without probate administration shall be charged and paid as provided in the Declaration of Trust and Trust Agreement for THE LARRY AND IDA JOHNSON REVOCABLE LIVING TRUST.

Article Fifth
ADMINISTRATION OF ESTATE

The following provisions shall govern the administration of my estate:

Section 6.1. I nominate my husband, LARRY M. JOHNSON, as Executor of this Will. If my husband, LARRY M. JOHNSON shall for any reason fail to qualify or cease to act as Executor, I nominate my son, LINJE M. JOHNSON, as first alternate Executor. I request that no bond be required of any person nominated by me to serve as Executor. The term "my Executor" as used in this Will shall include any personal representative of my estate.

Section 6.2. I authorize my Executor to sell, with or without notice, at either public or private sale, and to lease any property belonging to my estate, subject only to such confirmation of court as may be required by law.

Section 6.3. I direct that all inheritance, estate or other death taxes that may by reason of my death be attributable to my probate estate or to any portion of it or to any property or transfers of property outside my probate estate shall be paid by my Executor out of the residue of my estate, disposed of by this Will, without adjustment among the residuary beneficiaries and shall not be charged against or collected from any beneficiary of my probate estate or from any transferee or beneficiary of any property outside my probate estate.

Section 6.4. My Executor may administer my estate under the California Independent Administration of Estates Act without Court supervision and without any limitations.

Section 6.5. My Executor may, at the risk of my estate, without liability, collect, hold and retain the property I own at my death until, in my Executor's judgment, the disposition or distribution of such property should be made. The property may be retained even though it includes property in which my Executor has a personal interest. My Executor shall have no duty to dispose of any part of the estate property owned by me at my death that would not be a proper investment for the Executor to make.

Article Sixth

DISINHERITANCE PROVISIONS

Section 7.1. In making this Will, I have in mind all of my family, relatives, and friends, including heirs born or adopted before or after the date of this Will, and failure to mention any one of them in this Will is an intentional omission, and not the result of inadvertence, mistake or forgetfulness.

Section 7.2. It is my wish to discourage a contest of the beneficial and administrative terms of this Will. Therefore, if any person, whether claiming to be an heir of mine or not, without probable cause, contests the validity of this instrument or one or more of its terms, or attempts to claim an intestate share of my estate, then I specifically declare that he or she shall not receive any of my estate, and any interest devised to such person, if any, under this instrument is revoked and will pass as if he or she had predeceased me without any descendants. For purposes of this Section, a contest means a pleading that alleges the invalidity of this instrument or one or more of its terms on the grounds of (1) forgery, (2) lack of due execution, (3) lack of capacity, (4) menace, fraud, duress, or undue influence, or (5) disqualification of a beneficiary under Section 6112 or 21350 of the California Probate Code.

For purposes of this Section, "probable cause" exists if at the time of filing the contest, the facts known to the contesting person would cause a reasonable person to believe that there is a reasonable likelihood that the relief requested in the action will be granted after an opportunity for further investigation or discovery.

My Executor may use estate funds to pay attorneys and other agents and to pay other costs and expenses to defend any contest of this instrument or any of its provisions, even if the contest does not attack the validity of the Will but, instead, its dispositive or administrative provisions. In authorizing the Executor to use estate funds for these purposes, I intend to override any fiduciary duty that might otherwise constrain the Executor, including, but not limited to, the duty of loyalty, the duty of impartiality and the duty to avoid conflicts of interest under the California Probate Code.

If my Executor uses any estate funds for the purposes described in the above paragraph, my Executor may, in my Executor's sole discretion, charge any devise or distribution under this

instrument to the individual or individuals who are contesting, with all attorneys' fees and other legal expenses incurred by the Executor in defending any of the following actions if he, she or they:

(1) Without probable cause, contests the validity of this instrument or one or more of its terms,

(2) Without probable cause, files a creditor's claim or prosecutes a creditor's claim, or

(3) Without probable cause, challenges a transfer of property under this instrument on the grounds that it was not the property of the Settlor.

If a contesting beneficiary's estate share is insufficient to pay for the fees and other legal expenses incurred in defending my estate against such contests, the Executor may charge the excess fees and other expenses to my estate as a whole. In charging fees and other legal expenses against the share of a contesting beneficiary or my estate as a whole, the Executor is not under any duty of loyalty or impartiality nor any duty to avoid a conflict of interest.

IN WITNESS WHEREOF, I subscribe my name to this Will on July 22, 2013.

IDA M. JOHNSON

The undersigned, under penalty of perjury, hereby declare as follows:

On the date last above written, IDA M. JOHNSON declared to us, the undersigned, that the foregoing instrument, consisting of seven (7) pages, including the page signed by us as witnesses, was her Will, and he requested us to act as witnesses to it. She thereupon signed this Will in our presence, all of us being present at the same time. She appeared to us to be over eighteen (18) years of age and of sound mind, and we have no knowledge of any facts indicating that this instrument or any part of it was procured by duress, menace, fraud, or undue influence. We

understand that this instrument is her Will, and we now, at his request, in his presence, and in the presence of each other, subscribe our names as witnesses.

Each of us is now age eighteen (18) or older, is a competent witness, and resides or has a place of business at the address set forth after his or her name.

Executed at Merced, California on July 22, 2013.

[signature] Address: 2424 Brookdale Ct.
Aaron N. Castro
Merced CA 95340

Emily Uribe Address: 444 W. 27th St
Merced CA 95340

AFFIDAVIT

STATE OF CALIFORNIA)
COUNTY OF Merced)

Aaron N. Castleton, after being duly sworn according to law, deposes and says:

1. That the affiant is an adult resident of the State of California.

2. That the affiant was a witness to the Last Will and Testament of Ida M. Johnson, dated July 22, 2013, to which this affidavit is attached, and that this affidavit is being made at the request of an interested party under the Will in accordance with the provisions of Tennessee Code Annotated Section 32-2-110.

3. That the affiant's signature is affixed to said Last Will and Testament of the decedent, that the affiant signed or affixed the same at the instance and at the request of Ida M. Johnson and in the presence of Ida M. Johnson and in the presence of the other attesting witness, at the place and on the date of said Last Will and Testament.

4. That Ida M. Johnson signed said paper writing as and for Ida M. Johnson's Last Will and Testament in the sight and presence of the affiant and in the sight and presence of the other attesting witness.

5. That the other attesting witness, Emily Uribe, likewise signed said paper writing at the request and in the presence of Ida M. Johnson and in the sight and presence of the affiant.

6. That at the time the affiant witnessed said Last Will and Testament, the affiant was of the opinion that Ida M. Johnson was of sound mind.

And further affiant saith not.

Aaron N. Castleton

Sworn to and subscribed before me this the 9TH day of March, 2020.

My Commission Expires: 06/02/21

Notary Public

CAITLIN NOEL CZIRBAN
Notary Public - California
Merced County
Commission # 2199829
My Comm. Expires Jun 2, 2021

CERTIFICATE OF EXEMPLIFICATION

STATE OF CALIFORNIA)
COUNTY OF MERCED) ss.

I, **AMANDA TOSTE**, Clerk of the Superior Court in and for the County of Merced, State of California, which said court is a court of record having a Seal, do hereby certify that by law I have the custody of said Seal and all records, books, documents, and papers of or pertaining to said Superior Court, the **PETITION FOR ORDER CONFIRMING SUCCESSOR TRUSTEE AND CONFIRMING REAL PROPERTY AS A TRUST ASSET,** annexed hereto is a true copy of said document appertaining to said Court, and is on file and of record in my office as Clerk of said Court. That I have compared the foregoing document with the original on file in my office and that the same contains a full, true, and correct transcript there from and the whole thereof.

Witness my hand and Seal of said court this 10th day of February, 2020.

Amanda Toste

Clerk of the Superior Court in and for the County of Merced, State Of California

STATE OF CALIFORNIA)
COUNTY OF MERCED) ss.

I, **DONALD J. PROIETTI**, Judge of the Superior Court of the State of California, within and for the County of Merced, do hereby certify that **AMANDA TOSTE**, whose signature is affixed to the above certificate is the Clerk of the Superior Court in and for said County and is the proper certifying officer of said Court and has by law the custody of the Seal and all records, books, documents and papers of or appertaining to said Court, and said certificate is in due form as used in this State and elsewhere.

In witness whereof, I have hereto ~~set my hand~~ this 18 day of February, 2020.

Judge of the ~~Superior Court of the State of California~~ in and ~~for the~~ County of Merced

STATE OF CALIFORNIA)
COUNTY OF MERCED) ss.

I, **AMANDA TOSTE,** Clerk of the Superior Court in and for the County of Merced, State of California, which is a Court of record having a Seal, hereby certify that Honorable **DONALD J. PROIETTI**, whose name is subscribed to the above certificate of qualification, was at the date thereof, a Judge of the Superior Court of the State of California, in and for the County, fully elected and qualified to office; that full faith and credit are due to his official acts as such Judge, and I further certify that I verily believe that the signature attached to said above certificate is genuine and that said certificate is executed according to the laws of the State of California.

Witness my hand the official Seal of said Superior Court hereto affixed this 10th day of February, 2020.

Amanda Toste

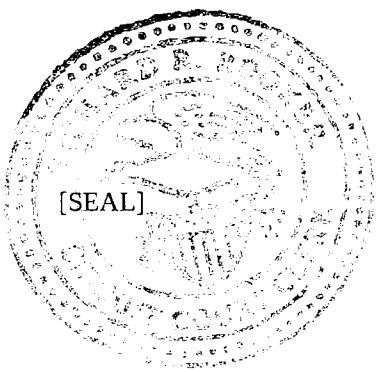
Clerk of the Superior Court in and for the County of Merced, State of California

STATE OF TENNESSEE

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 27 day of MARCH, 2020, in Docket Number 20P468, IN RE: JOHNSON, IDA MAE, 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 27 day of MARCH in the year 2020 and in the 243 year of American Independence.

RICHARD R. ROOKER, Clerk,



By: _____

Deputy Clerk

True Copy Certification

I, Christopher M. Corriveau, do hereby make oath that I am a licensed attorney and /or the custodian of the electronic version of the attached document tendered for registration herewith and that this is a true and correct copy of the original document executed and authenticated according to law.

C. M. C.

Signature

State of Tennessee
County of Davidson

Personally appeared before me, Rachel Marie Collins, a notary public for the state of Tennessee, Christopher M. Corriveau who acknowledges that this certification of an electronic document is true and correct and whose signature I have witnessed.

Rachel Marie Collins

Notary Signature

My Commission Expires: 3-6-2024

