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Last Will & Testament

D.C.

Ronald D. Sowell
May 3, 2005

Karen Johnson Davidson County
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LAST WILL AND TESTAMENT

OF

RONALD D. SOWELL

I, RONALD D. SOWELL, of DAVIDSON COUNTY, Tennessee, publish this as my last will and revoke each will and codicil I previously made.

ARTICLE 1
EXECUTORS

I appoint my son, KYLE P. SOWELL, executor of my will. If he fails to qualify or ceases to serve, I appoint TED A. BURKHALTER as executor of my will. I waive the requirement that either of the aforenamed be required to post bond or file accountings or inventories.

ARTICLE 2
DISTRIBUTION OF TANGIBLE PERSONAL PROPERTY

2.1 Gift of Tangible Personal Property. I give each item of tangible personal property used by me in a strictly personal way, each item of household furniture and furnishings and each automobile to my children, *per stirpes*. If none of my children survives me, I give such property to be part of my Remainder Estate. Each question about including an item under this paragraph is to be decided by my executor.

2.2 Specific Gifts. It is my intent to prepare a letter outlining my desires about the distribution of certain items of tangible personal property. The original of the letter when prepared will be kept with the original of my will. If my executor finds the letter, I direct that the personal effects listed in the letter be distributed to the persons identified.

2.3 Casualty Insurance. Each insurance policy covering an item of property passing under this Article passes with the property. The recipient is not to be charged for any unearned premium already paid. If an item of property passing under this Article has been destroyed or damaged, the insurance proceeds recovered or recoverable are to be paid in place of the destroyed item and in addition to a damaged item.

ARTICLE 3
LIFE ESTATE TO SURVIVING SPOUSE

3.1 Life Estate in Residence. I do hereby give and devise to my spouse a life estate in the property known as 308 Gaywood Drive, Nashville, Tennessee. She is to be permitted to live in this house, rent free and without bond, for the rest of her natural life or until she voluntarily moves out subject to the following provisions:

(a) she does not remarry or permit another adult male to move in on a permanent or semi-permanent basis,

(b) she is not to allow cats in the house,

(c) she is to pay all property taxes when due,

(d) she is to keep the property fully insured for the replacement value,

(e) she is to keep the property maintained but is not liable for waste, loss, damage or destruction.

3.2 Remainder Interest. Upon the termination of the aforesaid life estate, I give and devise this property in equal shares to my children, *per stirpes*, as tenants in common.

ARTICLE 4
DISTRIBUTION OF REMAINDER ESTATE

4.1 Amount and Distribution. The rest of my estate, subject to the charge of all death taxes as provided in Paragraph 6.4, is referred to as my "Remainder Estate." I give my Remainder Estate to my children, *per stirpes*.

4.2 Acknowledgment of Effect of Distribution. I understand that leaving my Remainder Estate outright to my children make these assets their assets. I understand that being their assets, they can dispose of those assets in any manner they wish. I do ask that they consider the needs of my surviving spouse as to furniture, furnishings and other household items in my residence.

ARTICLE 5
PROVISIONS RELATIVE TO FIDUCIARIES

5.1 Definition. The term "fiduciary" means the executor or guardian serving at any time under my will and includes successors.

5.2 Bond. No bond is required of any fiduciary appointed under this will or by a court.

5.3 Resignation. Each fiduciary serving under this will may resign at any time by giving written notice of the resignation to any remaining fiduciary, and to any successor fiduciary or to the person having the power to appoint a successor fiduciary or to the court having jurisdiction to appoint a successor fiduciary.

5.4 Appointment of Successor Fiduciary. If there is no fiduciary serving, the beneficiaries of the estate may appoint a fiduciary to serve.

5.5 Action by Beneficiaries. Any action to be taken by the beneficiaries under this Article is valid if taken by the beneficiaries of the estate who at any time represent a majority in interest in the estate. Any beneficiary who is a minor or who is under other legal disability will be represented by his or her parent or his or her duly appointed guardian.

5.6 Settlement of Accounts on Vacating Office. If a fiduciary ceases to serve, except where an individual fiduciary dies, the fiduciary is to file with each other fiduciary, including successors, a settlement of the accounts and an inventory of the estate. The expense of the settlement and inventory is to be paid by the estate. The fiduciary ceasing to serve is to deliver the estate assets to the successor or remaining fiduciary.

ARTICLE 6
PAYMENT OF DEBTS, EXPENSES AND TAXES

6.1 Debts, Funeral and Administration Expenses. My executor is to pay all legally enforceable debts incurred by me, my funeral and burial expenses, the expenses of my last illness, and the administration expenses of my estate.

I direct my executor to pay any outstanding charitable pledge I made without requiring the charity to file a claim.

My executor has discretion to pay each debt secured by real estate; no reimbursement is to be required of my spouse.

Payment of these expenses may be made from the principal or income of the estate and no compensating adjustments are to be made because of the source of payment.

6.2 Income Tax Treatment of Administration Expenses. My executor may claim each estate administration expense as a deduction on the U.S. Estate Tax Return or on any U.S. Income Tax Return for my estate. No compensating adjustments between the income and principal are to be made because of the decision.

6.3 Separate Share Tax Consequences. If the application of the separate share or any other income tax rule as to a separate share of an estate results in the estate having an income tax liability, the income tax will be paid from the separate share generating the liability.

6.4 Taxes.

(a) Defined. The term "taxes" means each transfer tax assessed by the United States, any state or other governmental unit because of my death for which my estate is liable on property passing under my will

(b) Payment. My executor is to pay all taxes from my Remainder Estate.

ARTICLE 7
DEFINITIONS

7.1 My Spouse. References in this will to "my wife" or "my spouse" mean MARGARET C. "SUSAN" SOWELL.

7.2 My Children. My children are KYLE P. SOWELL and RONALD D. SOWELL, JR.

7.3 Adopted Children. Every legally adopted child of any person designated or described in this instrument and every descendant, by blood or adoption, of the adopted child has the same status under this instrument as if the adopted child were the blood child of its adoptive parents with respect to rights to receive property and benefits while living and with respect to the passing of interests on the death of the adopted child or descendant; and the words "children" and "descendants" and words and phrases of similar import are to be so construed.

7.4 Singular and Masculine Usage. Any use of the masculine includes the feminine and the singular the plural, when the meaning is appropriate.

7.5 Definition of Code. "Code" means the Internal Revenue Code of 1986 as amended. Each reference to a specific section must be read at the date the document was signed and includes each revision or renumbering of the section.

ARTICLE 8
SIMULTANEOUS DEATH

If any beneficiary or beneficiaries under this will die with me in a common accident or disaster, or under circumstances which make it difficult or impossible to determine which of us died first, I direct that I be deemed not to have survived the beneficiary or beneficiaries and that this will be so construed.

ARTICLE 9
MISCELLANEOUS PROVISIONS

9.1 Dealing with Executor. No person dealing with the executor in any capacity is bound to inquire into the capacity to act on the part of the executor or into the authority for, or propriety of, any act of the executor or to see to the application or disposition of any money or other property paid, delivered or loaned to the executor.

9.2 Income During Administration. During the administration of my estate, the executor is authorized to make distributions of the income of the estate to the same persons, and in the same proportions, as might be made if the administration were completed.

9.3 Disposition of Assets. I authorize the executor, without the order of any court, to sell any of my real estate or personal property not specifically given by me at public or private sale, without the joinder of any beneficiary, in the manner and on the terms and for the price as may seem best; and on each sale of real estate the proceeds are to be treated as forming part of my personal estate.

9.4 Waiver of Inventory Reports and Appraisal. I authorize my executor to administer and settle my estate without the necessity of filing an inventory or making any report or final settlement with any court to the extent permitted by law. I expressly waive appraisal of my estate if an appraisal is required by law.

9.5 Distribution to Minors. Whenever my executor is directed to pay any money or to deliver any property to or to use any money or to deliver any property to or to use any money or property for the benefit of any minor, my executor is not to require the appointment of a guardian. I authorize my executor in the executor's discretion to retain any part of the money or property during the minor's minority or to deliver all or any part of the money or property without the necessity of requiring bond to the guardian of the person or property of minor or to the person with whom the minor may reside or to the minor. The receipt of any person for the money or property discharges the executor irrespective of the age or other qualifications of the person.

9.6 Real Estate. Any real property which I own at my death is to be part of my probate estate and treated as forming part of my personal estate for administration purposes.

9.7 Execution of Joint Return. I authorize my executor to sign a joint return with my surviving spouse if my executor deems the action advisable.

9.8 Joint Accounts.

_____ If any of my accounts are joint accounts with right of survivorship, it is my intention that these joint accounts pass to the surviving joint owner at my death.

_____ If any of my accounts are joint accounts with right of survivorship, these accounts were opened merely for convenience and it is my intention that these joint accounts pass as part of my probate estate.

9.9 No Contest Provision. If any beneficiary contests the probate or validity of this will or any of its provisions, or institutes or joins in any proceeding to contest the validity of this will or to prevent any provision from being carried out in accordance with its terms (regardless of whether or not the proceedings are instituted in good faith and with probable cause) then all benefits provided for the beneficiary are revoked and the benefits pass as if the beneficiary had predeceased me leaving no heirs.

9.10 Arbitration of Disputes. In order to save the cost of court proceedings and promote the prompt and final resolution of any dispute regarding the interpretation of my will or the administration or distribution of my estate or any trust under my will, I direct that any dispute be decided by an arbitrator who shall be a Fellow of the American College of Trust and Estate Counsel selected by its chair of the state which has jurisdiction of my estate of the trust in question. The arbitrator shall establish the procedures, which govern the arbitration. The arbitrator's decision shall not be appealable to any court but shall be

final and binding on any and all persons who have or may have an interest in my estate or any trust under my will, including unborn or incapacitated persons, such as minors or incompetents. No guardian or trustee ad litem shall be appointed to represent the interests of those persons in any arbitration. The arbitrator's fee shall be paid by my estate or from the principal of the trust in question.

IN WITNESS WHEREOF, I have set my hand this 3rd day of May, 2005.

Ronald D. Sowell
RONALD D. SOWELL

SIGNED, declared and published by the said RONALD D. SOWELL, as and for his last will, in the presence of us, the undersigned, who, at his request and in his sight and presence, and in the sight and presence of each other, have subscribed our names hereto as attesting witnesses the day and date above written.

Name	Address
Emily A. Sowell	409 Hillcrest Ave 37354
	14202 Crowne Brooke Cir Franklin, TN 37067

AFFIDAVIT PROVING WILL

STATE OF TENNESSEE)
COUNTY OF DAVIDSON COUNTY)

Before me, the undersigned Notary Public, personally appeared RONALD D. SOWELL and, after being duly sworn, declared to me and the undersigned affiants, that the instrument to which this Affidavit is attached is his Will; that he is 18 or older; of sound mind and disposing memory and under no duress, compulsion or constraint and that he requested the undersigned affiants to witness his signing of his Will; and the undersigned affiants whose names are subscribed to the instrument to which this Affidavit is attached and, after being duly sworn, declared to me that, in their sight and presence RONALD D. SOWELL signed, declared and published the instrument to which this Affidavit is affixed or annexed as the testator's will; and requested them to act as witnesses to its execution and to execute this Affidavit; that in the testator's sight and presence and in the sight and presence of each other, each affiant signed the instrument as witness; and that the testator was at that time 18 years of age or over, was of sound mind and disposing memory, was fully capable of making a will and was under no duress, compulsion, or constraint.

RONALD D. SOWELL

WITNESS Emily D. Sowell

ADDRESS: 409 3rd Ave 37334

WITNESS

ADDRESS: 1420 Clovis Bradley Franklin, TN. 37067

Subscribed and sworn to before me this the 3rd day of May, 2005.

NOTARY PUBLIC Freda R. Swafford

FREDA R. SWAFFORD STATE OF TENNESSEE NOTARY PUBLIC DAVIDSON COUNTY, TENN.

My Commission Expires JAN. 24, 2008

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 29 day of JUNE, 2005, in Docket Number 05P988, IN RE: SOWELL SR., RONALD D., 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 25 day of JUNE in the year 2020 and in the 243 year of American Independence.

RICHARD R. ROOKER, Clerk,

[SEAL]

By: _____

Deputy Clerk