# STATE OF TENNESSEE

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*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 28 day of FEBRUARY, 2020, in Docket Number 20P272, IN RE: HOUX, BEVERLY A., 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 15 day of MAY in the year 2020 and in the 243 year of American Independence.*

*RICHARD R. ROOKER, Clerk,*

*By: E*
*Deputy Clerk*

[SEAL]

RICHARD R. ROOKER
CIRCUIT COURT CLERK

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# LAST WILL AND TESTAMENT OF BEVERLY A. HOUX

LAW OFFICES
ELDER LAW OF NASHVILLE PLC
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# Last Will and Testament of Beverly A. Houx

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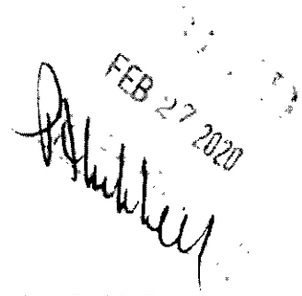

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# Last Will and Testament of Beverly A. Houx

I, Beverly A. Houx, a resident of Nashville, Tennessee, on this day, October 2, 2019, revoke any prior wills and codicils made by me and declare this to be my Last Will and Testament (hereinafter referred to as "Will").

## Article One
## Family Information

### Section 1.01 My Husband

I am married to Harold D. Houx. Any reference in my Will to "my husband" is to Harold D. Houx.

### Section 1.02 My Children and Descendants

I have one child: Lisa D. Houx. All references in my Will to "my children" include all of these children, whether living or deceased.

References to "my descendants" are to Lisa D. Houx and her descendants.

## Article Two
## Tangible Personal Property

### Section 2.01 Distribution of Tangible Personal Property by Memorandum

My Executor will distribute the tangible personal property that I have listed in a separate written memorandum to the people specified in the memorandum. If a listed item is insured, the person who receives the item will also receive the insurance policy and succeed to any claims under the policy. If there is a conflict among multiple memoranda, the latest memorandum will control.

### Section 2.02 Distribution of Remaining Tangible Personal Property

My Executor will distribute my remaining tangible personal property to Lisa D. Houx if she survives me. If she does not survive me, the property will be distributed according to the Articles that follow.

Any tangible personal property distributed under this Section also includes any insurance policies covering the property and any claims under those policies.



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### Section 2.03 Definition of Tangible Personal Property

For purposes of this Article, the term "tangible personal property" includes, but is not limited to, household furnishings, appliances and fixtures, works of art, motor vehicles, pictures, collectibles, personal wearing apparel and jewelry, books, sporting goods, and hobby paraphernalia. The term does not include any tangible property that my Executor, in my Executor's sole and absolute discretion, determines to be part of any business or business interest that I own at death.

### Section 2.04 Ademption

If property to be distributed under this Article becomes part of my probate estate in any manner after my death, then the gift will not adeem simply because it was not a part of my probate estate at my death. My Executor will distribute the property as a specific gift in accordance with this Article. But if property to be distributed under this Article is not part of my probate estate at my death and does not subsequently become part of my probate estate, then the specific gift made in this Article is null and void, without any legal or binding effect.

### Section 2.05 Incidental Expenses and Encumbrances

Until property distributed in accordance with this Article is delivered to the appropriate beneficiary or to the beneficiary's legal representative, my Executor will pay the reasonable expenses of securing, storing, insuring, packing, transporting, and otherwise caring for the property as an administration expense. Except as otherwise provided in my Will, my Executor will distribute property under this Article subject to all liens, security interests, and other encumbrances on the property.

## Article Three
## Residuary Distribution

If my husband survives me, I give the remainder of my estate to my husband outright, free of trust. However, if at the time of fulfilling this distribution, my husband is a Supplemental Needs Person, then the remainder of my estate will instead be administered for the benefit of my husband according to the provisions of Article Five, entitled "Supplemental Needs Trust."

If my husband predeceases me, my Executor will administer the remainder of my estate according to the provisions of this Article and the Articles that follow.

My residuary estate will be distributed outright, free of trust to my descendants, per stirpes. However, if at the time of distribution, the descendant is a Supplemental Needs Person, then the descendant's share will be administered according to the provisions of Article Five, entitled "Supplemental Needs Trust."



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### Section 3.01 Funding Shares on a Non–Pro Rata Basis

If my residuary estate is divided into two or more shares, my Executor may fund the shares on a non–pro rata basis, provided that funding is based on the total fair market value of the assets when allocated.

## Article Four
## Remote Contingent Distribution

If, at any time, the other provisions of my Will fail to provide for a beneficiary of any part of my probate estate or a part of any trust created under my Last Will and Testament, then that part will be distributed to those persons who would inherit it had my husband and I then died intestate with each of us owning one-half of the property, as determined and in the proportions provided by the laws of Tennessee then in effect.

## Article Five
## Supplemental Needs Trust

Estate property will be administered pursuant to the terms of this Supplemental Needs Trust Article when:

(i) another Article of my Will directs that the property is to be administered as provided in this Supplemental Needs Trust Article; or

(ii) the beneficiary of the property under another Article of my Will is a Supplemental Needs Person, unless the other Article directs the beneficiary's interest to be distributed to a trust not created under this document.

"Beneficiary" under this Supplemental Needs Trust Article refers to the beneficiary of the property under the other Article. The provisions of the other Article shall continue to apply to the extent they do not conflict with the provisions of this Supplemental Needs Trust Article; specifically, the provisions of this Supplemental Needs Trust Article shall control the distributions of income and principal.

### Section 5.01 Distributions of Income and Principal

The Trustee shall collect income and, after deducting all charges and expenses attributed thereto, may apply for Beneficiary's benefit, in-kind, or in cash, so much of the income and principal (even to the extent of the whole) as the Trustee deems advisable in the Trustee's sole and absolute discretion, **subject to the limitations set forth below**. The Trustee shall add the balance of net income not paid or applied to the principal of the Supplemental Needs Trust.



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### (a) Maximize Benefits

Consistent with the purpose of the Supplemental Needs Trust, before expending any amounts from the net income and/or principal of this trust, the Trustee shall consider the availability of all benefits from government or private assistance programs for which Beneficiary may be eligible. The Trustee, where appropriate and to the extent possible, shall endeavor to maximize the collection and facilitate the distribution of these benefits for Beneficiary's benefit.

### (b) No Reduction in Benefits

None of the income or principal of the Supplemental Needs Trust shall be applied in such a manner as to supplant, impair, or diminish any governmental benefits or assistance for which Beneficiary may be eligible or which Beneficiary may be receiving, unless, in the sole and absolute discretion of the Trustee, such use of income and/or principal is beneficial to Beneficiary.

### (c) No Assignment

Beneficiary shall not have the power to assign, encumber, direct, distribute, or authorize distributions from the Supplemental Needs Trust.

### (d) Discretionary Distributions

Notwithstanding the above provisions, the Trustee may make distributions to meet Beneficiary's need for food, shelter, health care, or other personal needs, even if those distributions will impair or diminish Beneficiary's receipt or eligibility for government benefits or assistance, but only if the Trustee determines that the distributions will better meet Beneficiary's needs, and it is in Beneficiary's best interests, notwithstanding the consequent effect on Beneficiary's eligibility for, or receipt of, benefits.

### (e) Supplemental Needs Trust Savings Clause

Even though a null-and-void clause could be ignored by some agencies, in the event that the mere existence of the authority to make distributions that will impair or diminish Beneficiary's receipt or eligibility for government benefits or assistance, as specified in subsections (b) and (d), above, will result in a reduction or loss of Beneficiary's entitlement program benefits, regardless of whether the Trustee actually exercises the authority, then such authority specified in subsections (b) and (d), above, will be null and void, and the Trustee's authority to make these distributions will terminate. If such authority is terminated, then the Trustee may amend the trust to remove the offending provisions, and the Trustee's authority to make distributions will be limited to distributions for Beneficiary's supplemental needs, in a manner that will not adversely affect Beneficiary's government benefits.

Notwithstanding any provision of any Article herein to the contrary, in the event that the Supplemental Needs Trust is challenged or faces imminent



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invasion by any governmental department or agency in such a way as to affect Beneficiary's eligibility for benefits available under any governmental program, the Trustee may amend the trust so as to maintain Beneficiary's eligibility for benefits under such governmental program.

### Section 5.02 Objective to Promote Independence of Beneficiary

While actions are in the Trustee's sole and absolute discretion, the Trustee should be mindful that it is my wish that Beneficiary live as independently, productively, and happily as possible.

### Section 5.03 Not Available Resource to Beneficiary

It is my intent to create a Supplemental Needs Trust that conforms to Tennessee law (or if Beneficiary is not a resident of Tennessee, to the law of the state where Beneficiary resides), in order to provide for Beneficiary's Supplemental Needs. I intend that the trust assets be used to supplement, not supplant, impair, or diminish, any benefits or assistance of any Federal, state, county, city, or other governmental entity for which Beneficiary may otherwise be eligible or which Beneficiary may be receiving.

Consistent with that intent, it is my desire that, before expending any amounts from net income and/or principal of the trust, the Trustee consider the availability of all benefits from government or private assistance programs for which Beneficiary may be eligible and that, where appropriate and to the extent possible, the Trustee endeavors to maximize the collection of such benefits and to facilitate the distribution of such benefits for the benefit of Beneficiary. All actions of the Trustee shall be directed toward carrying out this intent and the discretion granted the Trustee under my Will to carry out this intent is absolute.

For purposes of determining Beneficiary's eligibility for any such benefits, no part of the principal or undistributed income of the Supplemental Needs Trust shall be considered available to Beneficiary for public benefit purposes.

The Trustee shall hold, administer, and distribute all property allocated to the Supplemental Needs Trust for the exclusive benefit of Beneficiary during his or her lifetime. All distributions from the trust are in the sole and absolute discretion of the Trustee.

In the event the Trustee is requested to release principal or income of the Supplemental Needs Trust to or on behalf of Beneficiary to pay for equipment, medication, or services that any government agency is authorized to provide, or in the event the Trustee is requested to petition a court or any other administrative agency for the release of trust principal or income for this purpose, the Trustee is authorized to deny such request and is authorized in its sole and absolute discretion to take whatever administrative or judicial steps may be necessary to continue Beneficiary's eligibility for benefits, including obtaining legal advice about Beneficiary's specific entitlement to public benefits and obtaining instructions from a court of competent jurisdiction ruling that neither the trust corpus nor the trust income is available to Beneficiary for eligibility purposes. Any expenses of the Trustee in this regard, including reasonable attorney's fees, shall be a proper charge to the Supplemental Needs Trust.



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### Section 5.04 Distribution Guidelines

The Trustee shall be responsible for determining what discretionary distributions shall be made from the Supplemental Needs Trust. The Trustee may distribute discretionary amounts of income and principal to or for the benefit of Beneficiary for those Supplemental Needs not otherwise provided by governmental financial assistance and benefits, or by the providers of services. Any undistributed income shall be added to principal.

In making distributions, the Trustee will:

(i) consider any other known income or resources of Beneficiary that are reasonably available;

(ii) take into consideration all entitlement benefits from any government agency, such as Social Security Disability payments (SSDI), Medicaid, HCFA/Bureau of TennCare, Supplemental Security Income (SSI), and any other special purpose benefits for which Beneficiary is eligible;

(iii) take into consideration resource and income limitations of any such assistance program;

(iv) make expenditures so that Beneficiary's standard of living will be comfortable and enjoyable;

(v) not be obligated or compelled to make specific payments;

(vi) not pay or reimburse any amounts to any governmental agency or department, unless proper demand is made by such governmental agency and reimbursement is required by the state; and

(vii) not be liable for any loss of benefits.

### Section 5.05 No Seeking of Order to Distribute

For purposes of determining Beneficiary's state Medicaid program equivalent eligibility, no part of the principal or undistributed income of the Supplemental Needs Trust may be considered available to Beneficiary. The Trustee will deny any request by Beneficiary to:

(i) release principal or income of the trust to or on behalf of Beneficiary to pay for equipment, medication, or services that the state Medicaid program equivalent would provide if the trust did not exist; or

(ii) petition a court or any other administrative agency for the release of trust principal or income for this purpose.

The Trustee may, in its sole and absolute discretion, take necessary administrative or legal steps to protect Beneficiary's state Medicaid program eligibility, including obtaining a ruling from a court of competent jurisdiction that the trust principal is not available to Beneficiary for purposes of determining eligibility. Expenses for this purpose, including reasonable attorney's fees, are a proper charge to Beneficiary's Supplemental Needs Trust.



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### Section 5.06 Indemnification of Trustee When Acting in Good Faith

The Trustee shall be indemnified from the trust property for any loss or reduction of public benefits sustained by Beneficiary as a result of the Trustee exercising, in good faith, the authority granted to the Trustee under this Article.

### Section 5.07 Termination and Distribution of Supplemental Needs Trust

If the Trustee, in its sole and absolute discretion, determines that Beneficiary is no longer dependent on others and is able to provide independent support, the Trustee shall distribute or retain the remaining Supplemental Needs Trust property according to the other provisions of my Will as though the provisions of this Article had not been effective.

If the other provisions of my Will do not provide for the distribution or retention of the remaining property, then the Trustee shall distribute the remaining property to Beneficiary outright, free of trust.

"Independent support" shall be satisfied at such time as Beneficiary has been gainfully employed for thirty-three (33) months of a thirty-six (36) month period immediately preceding the decision to terminate the trust share.

The terms "gainful employment" and "gainfully employed" shall be construed to mean such full-time employment that produces sufficient net income to enable Beneficiary to contribute not less than 100 percent of the funds (exclusive of other sources of revenue) that are necessary to provide for the independent care, support, maintenance, and education of Beneficiary. The Trustee, in its sole and absolute discretion, shall determine whether or not Beneficiary has satisfied the condition of gainful employment.

### Section 5.08 Distribution Upon the Death of Beneficiary

Upon the death of Beneficiary, the Trustee shall distribute or retain the remaining Supplemental Needs Trust property according to the other Article of my Will that directed the property to be held pursuant to this Article.

If the other Article does not provide for distribution upon the death of Beneficiary, then the Trustee shall distribute or retain the remaining Supplemental Needs Trust property as though Beneficiary had predeceased me.

### Section 5.09 Waiver of Court Invasion of Principal

Under no circumstances shall Supplemental Needs Trust principal be subject to any court-directed invasion pursuant to the provisions of the laws of Tennessee or any other state.

### Section 5.10 Prohibition Against Beneficiary Serving as Trustee

Notwithstanding any other provision of my Will, under no circumstances may Beneficiary serve as Trustee of any share that is being administered for his or her benefit under the provisions of this Supplemental Needs Trust Article.

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### Section 5.11 Limitation on Power to Remove and Replace Trustee

Notwithstanding any other provision of my Will, Beneficiary has the power to remove and replace the Trustee of the Supplemental Needs Trust, but may not appoint himself or herself as the replacement Trustee.

### Section 5.12 No Power to Adjust from Principal to Income

Notwithstanding any provision of my Will or state law to the contrary, in no event may the Trustee adjust between income and principal if such adjustment would cause any public benefit program to consider the adjusted principal or income to be an available resource or available income, or if such adjustment would otherwise supplant any governmental benefit that Beneficiary is entitled to receive.

### Section 5.13 No General Power of Appointment

Notwithstanding any provision of my Will or state law to the contrary, Beneficiary shall not have a lifetime or testamentary general power of appointment as defined in Section 2041 of the Internal Revenue Code, or as defined under Tennessee law, or the laws of any other state.

### Section 5.14 Application of Article

Any decision made by the Trustee under this Article shall be final, controlling, and binding upon all beneficiaries, subject to the provisions of this Article.

## Article Six
## Designation of Executor and Trustee

### Section 6.01 Executor

I appoint the following, in the order named, to serve as my Executor, without the requirements of inventory or accounting:

First: Lisa D. Houx

Second: Barry Bradley

### Section 6.02 Trustee of the Supplemental Needs Trust

If a Supplemental Needs Trust is created pursuant to Article Five, my Executor shall appoint a Trustee for such trust. If my Executor fails to appoint a Trustee, or if there is a vacancy in the office of Trustee, then the beneficiary of the trust or his or her representative may petition a court to appoint a Trustee.

The acting Trustee of the trust may appoint a successor Trustee. Notwithstanding the appointment of a Trustee by my Executor or the acting Trustee, the beneficiary of the trust or his or her representative, with or without cause, may petition a court to remove any Trustee and appoint a successor Trustee.



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### Section 6.03 Prohibition Against SNT Beneficiary Serving as Trustee

Notwithstanding any other provision of my Will, under no circumstances may the beneficiary of a share of the remainder of my estate that is being administered pursuant to the terms of Article Five, entitled "Supplemental Needs Trust," serve as Trustee of that share.

### Section 6.04 Provisions for Trust Protector

The function of the Trust Protector is to direct my Trustee in matters concerning the trust, and to assist, if needed, in achieving my objectives as manifested by the other provisions of my estate plan.

In order to serve, any Trust Protector named or appointed under this Section must be a corporate fiduciary or an individual who is not related or subordinate to a transferor or any beneficiary within the meaning of Section 672(c) of the Internal Revenue Code.

#### (a) Designation of Trust Protector

I make no appointment of Trust Protector at the time my Will is executed. Rather, a Trust Protector may be appointed pursuant to paragraph (d) of this Section as needed.

#### (b) Authority to Name Successor

The serving Trust Protector may appoint a successor Trust Protector in writing, which appointment will take effect upon the resignation, incapacity, or death of the appointing Trust Protector.

#### (c) Resignation of Trust Protector

A Trust Protector may resign by giving notice as provided in paragraph (o) below. A resigning Trust Protector will not be liable or responsible for the acts or omissions of any successor Trust Protector.

#### (d) Default of a Designated Trust Protector

During any period in which a trust created under my Will requires a Trust Protector to act and no Trust Protector is serving, a majority of the members of Elder Law of Nashville PLC may appoint a Trust Protector.

If the members of Elder Law of Nashville PLC fail to make the appointment after 30 days, then any beneficiary or trustee may petition a court of competent jurisdiction to appoint a Trust Protector.

The court acting to appoint a Trust Protector will acquire jurisdiction or authority over the trust only to the extent necessary to make the appointment and may not subject the trust to the continuing jurisdiction of the court.

If a beneficiary is a minor or is incapacitated, the parent or Legal Representative of the beneficiary may act on behalf of the beneficiary.

A Trust Protector appointed under this paragraph (d) may be removed by the party or parties who made the appointment.

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### (e) Rights of Successor Trust Protectors

Any successor Trust Protector has all of the authority of any predecessor Trust Protector, but will not be responsible for the acts or omissions of the predecessor.

### (f) Power to Remove and Appoint Trustees

The Trust Protector may remove any Trustee of a trust created under my Will.

Whenever the office of Trustee of a trust is vacant and no successor Trustee is effectively named, the Trust Protector may appoint an individual or a corporate fiduciary to serve as Trustee. No Trust Protector may be self-appointed as a Trustee and may not simultaneously serve as both Trust Protector and Trustee.

Notwithstanding any other provision of my Will, removal or appointment of a Trustee will be effective upon giving notice as provided in paragraph (o) below. No advance notice is required.

### (g) Good Faith Standard Imposed

The authority of the Trust Protector is conferred in a nonfiduciary capacity, and the Trust Protector is not liable for any good-faith act, omission, or forbearance. The Trust Protector will be reimbursed promptly for any costs incurred in defending or settling any claim brought against the Trust Protector acting in the capacity of Trust Protector, unless it is conclusively established that the act, omission, or forbearance was motivated by an actual intent to harm the beneficiaries of the trust or was an act of self-dealing for personal benefit.

### (h) Power to Amend

The Trust Protector may amend any provision of my Will as it applies to any trust for which the Trust Protector is serving to do any of the following:

(i) alter the administrative and investment powers of my Trustee;

(ii) grant a beneficiary of any trust created under my Will the testamentary power to appoint all or part of the beneficiary's trust or trust share to the creditors of the beneficiary's estate;

(iii) correct ambiguities and scrivener errors that might otherwise require court construction or reformation; and

(iv) reflect tax or other legal changes.

Any amendment made by the Trust Protector to correct a scrivener's error in accordance with this Section is effective as of the original date of the trust. Any other amendment made by the Trust Protector as authorized above is effective as of the date of the trust, or the date of the amendment, in the sole and absolute discretion of the Trust Protector. The decision of

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the Trust Protector as to the effective date of any such amendment must be set forth in the amendment.

In granting a testamentary power of appointment, the Trust Protector may require, as a condition for the beneficiary's exercise of the power, that the beneficiary first obtain the consent of the Trust Protector. The Trust Protector may revoke the power at any time during the lifetime of the beneficiary to whom it was given. I suggest, but do not require, that the Trust Protector exercise this authority to subject trust property to estate tax instead of the generation-skipping transfer tax when it appears that it may reduce overall taxes.

The Trust Protector may not limit or alter the rights of a beneficiary in any trust assets held by the trust before the amendment, nor may the Trust Protector remove or add any individual or entity as a beneficiary of trust assets.

Any amendment made by the Trust Protector must be in a signed written instrument. The Trust Protector must provide notice of the amendment as provided in paragraph (o) below, along with a copy of the amendment.

### (i) Authority to Terminate Trusts

If, at any time, the Trust Protector determines that any trust created under my Will is no longer economical or is otherwise inadvisable to administer as a trust, or if the Trust Protector deems it to be in the best interest of the beneficiaries, the Trust Protector, without further responsibility, may terminate the trust and distribute the trust property, including any undistributed net income, to the beneficiaries of trust principal.

### (j) Not a General Power of Appointment

The Trust Protector may not participate in the exercise of a power or discretion conferred under my Will that would cause the Trust Protector to possess a general power of appointment within the meaning of Sections 2041 and 2514 of the Internal Revenue Code. Specifically, the Trust Protector may not use such powers for his or her personal benefit, nor for the discharge of his or her financial obligations.

### (k) Release of Powers

The Trust Protector, acting on its own behalf and on behalf of all successor Trust Protectors, may at any time, by a written instrument delivered to my Trustee, irrevocably release, renounce, suspend, or reduce any or all powers and discretions conferred on the Trust Protector by my Will.

### (l) No Duty to Monitor

The Trust Protector has no duty to monitor or supervise any Trustee or trust created under my Will. Further, the Trust Protector has no duty to be informed as to the acts or omissions of others or to take any action to prevent



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or minimize loss. Any exercise or non-exercise of the powers and discretions granted to the Trust Protector is in the sole and absolute discretion of the Trust Protector.

**(m) Compensation**

Any Trust Protector serving under my Will is entitled to receive reasonable compensation for services as determined by my Trustee. The Trust Protector is entitled to reimbursement for all expenses incurred in the performance of its duties as Trust Protector, including travel expenses.

Serving in the capacity of Trust Protector does not prevent the Trust Protector from also providing legal, investment or accounting services on behalf of the trust or the trust beneficiaries. If the Trust Protector is providing professional services, the Trust Protector may charge its typical fees for professional services, and may also be compensated for its services as Trust Protector.

**(n) Right to Examine**

The books and records of each trust created under my Will, including all documentation, inventories, and accountings, must be open and available for inspection by the Trust Protector at all reasonable times.

**(o) Notice**

Unless otherwise specified, when notice is required by a provision of this Section, notice must be given in a signed written instrument delivered to the following or the personal representative of the following, to the extent practicable:

(i) the income beneficiaries of the trust; and

(ii) all Trustees then serving.

## Article Seven
## General Administrative Provisions

The provisions of this Article apply to my probate estate and to any trust created under my Will.

### Section 7.01 No Bond

No Fiduciary is required to furnish any bond for the faithful performance of the Fiduciary's duties, unless required by a court of competent jurisdiction and only if the court finds that a bond is needed to protect the interests of the beneficiaries. No surety will be required on any bond required by any law or rule of court, unless the court specifies that a surety is necessary.



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### Section 7.02 Fiduciary Compensation

An individual serving as my Fiduciary, other than my husband, shall be entitled to fair and reasonable compensation for the services rendered as a fiduciary. A corporate fiduciary shall be compensated by agreement with an individual Fiduciary or, in the absence of an individual Fiduciary or in the absence of an agreement, in accordance with the corporate fiduciary's published schedule of fees in effect at the time the services are rendered.

My Fiduciary may charge additional fees for services it provides that are not comprised within its duties as my Fiduciary such as fees for legal services, tax return preparation, and corporate finance or investment banking services.

In addition to receiving compensation, my Fiduciary may be reimbursed for reasonable costs and expenses incurred in carrying out its duties under my Will.

### Section 7.03 Determination of Principal and Income

The provisions of Tennessee law related to the allocation of principal and income shall govern beneficiaries' rights among themselves in matters concerning principal and income. If Tennessee law contains no provision concerning a particular item, my Fiduciary shall determine in a fair, equitable, and practical manner what shall be credited, charged, and apportioned between principal and income.

### Section 7.04 Spendthrift Provision

Neither the income nor the principal of any trust created under my Will may be assigned, anticipated, encumbered, alienated, or otherwise voluntarily transferred in any manner by any beneficiary. In addition, neither the income nor the principal of any trust created under my Will is subject to attachment, bankruptcy proceedings or any other legal process, to the interference or control of creditors or others, or otherwise subject to any involuntary transfer.

This section does not restrict a beneficiary's right to disclaim any interest or the exercise of any power of appointment granted in my Will or under the terms of any trust created under my Will.

### Section 7.05 Distributions for Underage and Incapacitated Beneficiaries

If under another provision of my Will, any part of my probate estate is directed or required to be distributed outright to a person (other than my husband) who has not yet attained the age of 25 years or is incapacitated, then my Executor may distribute or retain that part of my probate estate as described in this Section, unless the provisions of Article Five, entitled "Supplemental Needs Trust," apply.

When making a distribution, I request, but do not require, that my Executor consider the ability that the beneficiary demonstrated in managing prior distributions. All decisions made by my Executor under this Section are final, controlling, and binding upon all beneficiaries subject to the provisions of this Section.

Property to which this Section applies may be:

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(i) distributed directly to the beneficiary;

(ii) distributed to the beneficiary's guardian, conservator, parent, family member, or other person who has assumed responsibility for his or her care;

(iii) distributed to any person or entity, including my Executor, as custodian for the beneficiary under the Uniform Transfers to Minors Act, or similar statute;

(iv) distributed to other persons or entities for the benefit of the beneficiary;

(v) distributed to an agent authorized to act for the beneficiary under a power of attorney for property.

(vi) retained in trust, with my Executor acting as trustee, distributing income and principal for any purpose, in any amount, using any of the methods described above, all in my Executor's sole and absolute discretion, and upon the beneficiary's death distributing the remainder as appointed by the beneficiary, and if not appointed, as though the beneficiary had predeceased me;

(vii) retained in trust pursuant to the provisions of Article Five, entitled "Supplemental Needs Trust," for the benefit of the beneficiary; or

(viii) distributed or retained in any combination of one or more of the above.

### Section 7.06 Maximum Term for Trusts

Pursuant to Tennessee law, the rule against perpetuities does not apply to any trust created under my Will. However, if for any reason the rule against perpetuities does apply, then this Section controls the maximum term for trusts.

Notwithstanding any other provision of my Will to the contrary (except for the preceding paragraph), unless terminated earlier under other provisions of my Will, each trust created under my Will terminates upon the expiration of the longest period that property may be held in trust under my Will without violating the applicable rule against perpetuities.

If the maximum term for trusts under the applicable rule against perpetuities is determined by reference to the death of the last to die among a group of individuals, the group of individuals will consist of the descendants of my maternal and paternal grandparents and the descendants of my husband's maternal and paternal grandparents, who are alive at the relevant time.

At that time, the remaining trust property will vest in and be distributed to the persons then entitled to receive mandatory distributions of net income of the trust and in the same proportions to which they are entitled to receive the net income. If no beneficiary is entitled to receive mandatory distributions of net income, then the remaining trust property will vest in and be distributed to the beneficiaries then entitled to receive discretionary distributions of net income of the trust, in equal shares.



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### Section 7.07 Representative of a Beneficiary

The guardian, natural parent, or agent under a validly executed power of attorney of a beneficiary may act for such beneficiary for all purposes under my Will or may receive information on behalf of such beneficiary.

### Section 7.08 Ancillary Administration

In the event ancillary administration shall be required or desired and my domiciliary Executor is unable or unwilling to act as an ancillary fiduciary, my domiciliary Executor shall have the power to designate, compensate, and remove, with court approval, the ancillary fiduciary. The ancillary fiduciary may be either a natural person or a corporation. My domiciliary Executor may delegate to such ancillary fiduciary such powers granted to my original Executor as my Executor may deem proper, including the right to serve without bond or surety on bond. The net proceeds of the ancillary estate shall be paid over to the domiciliary Executor.

### Section 7.09 Delegation of Authority; Power of Attorney

To the extent permitted by law, any Fiduciary may, by an instrument in writing, delegate to any other Fiduciary the right to exercise any power, including a discretionary power, granted the Fiduciary in my Will. During the time a delegation under this Section is in effect, the Fiduciary to whom the delegation was made may exercise the power to the same extent as if the delegating Fiduciary had personally joined in the exercise of the power. The delegating Fiduciary may revoke the delegation at any time by giving written notice to the Fiduciary to whom the power was delegated.

The Fiduciary may execute and deliver a revocable or irrevocable power of attorney appointing any individual or corporation to transact any and all business on behalf of the trust. The power of attorney may grant to the attorney-in-fact all of the rights, powers, and discretion that the Fiduciary could have exercised.

### Section 7.10 Merger of Corporate Fiduciary

If any corporate fiduciary acting as my Fiduciary under my Will is merged with or transfers substantially all of its trust assets to another corporation or if a corporate fiduciary changes its name, the successor shall automatically succeed to the position of my Fiduciary as if originally named my Fiduciary. No document of acceptance of the position of my Fiduciary shall be required.

## Article Eight
## Powers of My Fiduciaries

### Section 8.01 Grant of Powers

My Fiduciaries may perform every act reasonably necessary to administer my estate and any trust established under my Will. Specifically, my Fiduciaries may:

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(i) hold, retain, invest, reinvest, and manage real or personal property, including interests in any form of business entity including but not limited to, limited partnerships and limited liability companies, and policies of life, health, and disability insurance, without diversification as to kind, amount, or risk of non-productivity and without limitation by statute or rule of law;

(ii) partition, sell, exchange, grant, convey, deliver, assign, transfer, lease, option, mortgage, pledge, abandon, borrow, loan, and contract real or personal property;

(iii) distribute in cash or kind or partly in each at fair market value on the date of distribution, without requiring pro rata distribution of specific assets and without requiring pro rata allocation of the tax bases of such assets;

(iv) hold in nominee form, continue businesses, and carry out agreements;

(v) establish reserves, release powers, and abandon, settle, or contest claims; and

(vi) employ attorneys, accountants, custodians of the trust assets, and other agents or assistants as deemed advisable to act with or without discretionary powers and compensate them and pay their expenses from income or principal or both.

### Section 8.02 Fiduciary Powers Act

In addition to the above powers, my Executor may, without prior authority from any court, exercise all powers conferred by my Will, by common law, or by any fiduciary powers act or other statute of the State of Tennessee or any other jurisdiction whose law applies to my Will. My Executor shall have absolute discretion in exercising these powers. Except as specifically limited by my Will, these powers shall extend to all property held by my Fiduciaries until the actual distribution of the property.

### Section 8.03 Alternative Distribution Methods

Unless specifically prohibited elsewhere in my Will, my Fiduciary may make any payment provided for under my Will, or under the terms of any trust established under my Will, as follows:

(i) directly to the beneficiary;

(ii) in any form allowed by applicable state law for gifts or transfers to minors or persons under a disability;

(iii) to the beneficiary's guardian, conservator, agent under a durable power of attorney or caregiver for the benefit of the beneficiary; or

(iv) by direct payment of the beneficiary's expenses, made in a manner consistent with the proper exercise of my Fiduciary's duties hereunder. A receipt by the recipient for any such distribution shall fully discharge my Fiduciary.



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# Article Nine
# Provisions for Payment of Taxes

### Section 9.01 Apportionment

Except as otherwise specified, I direct that all estate, inheritance, and succession taxes payable by reason of my death ("death taxes") be apportioned as provided under the law of the State of Tennessee in effect at the date of my death. In so doing, my Executor shall charge the death taxes only against the property generating the tax. The values used in determining the tax are to be used for tax apportionment purposes.

To the extent practicable, my Executor shall deduct the amount of the death taxes from the property distributable under my Will and recover from the beneficiaries of property passing other than by my Will their allocable share of death taxes, unless my Executor in its discretion determines that the cost of recovery is greater than such recovery warrants. If death taxes are not collected from the beneficiary of property passing other than by my Will, my Executor shall apportion the amount not recovered equitably among the other beneficiaries who are subject to apportionment.

### Section 9.02 No Apportionment Between Current and Future Interests

No interest in income and no estate for years or for life or other temporary interest in any property or trust are subject to apportionment as between the temporary interest and the remainder. The tax on the temporary interest and the tax, if any, on the remainder are chargeable against the corpus of the property or trust subject to the temporary interest and remainder.

### Section 9.03 Tax Elections

In exercising any permitted elections regarding taxes, my fiduciaries may make such decisions as they deem to be appropriate in all the circumstances and my fiduciaries shall be under no duty to make any compensatory adjustment as a consequence of any such election. My Executor may also execute such joint tax returns and pay such taxes or interest and deal with any tax refunds, interest, or credits as it shall deem necessary or advisable, whether in the interest of the other joint taxpayer or in the interest of my estate.

# Article Ten
# Definitions and General Provisions

### Section 10.01 Definitions

For purposes of my Will and for the purposes of any trust established under my Will, the following definitions shall apply:



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### (a) Adopted and Afterborn Persons

A legally adopted person in any generation and his or her descendants, including adopted descendants, shall have the same rights and shall be treated in the same manner under my Will as would children born of the adopting parent, provided such person is legally adopted prior to attaining the age of 18 years. A person shall be deemed to be legally adopted if the adoption was legal in the jurisdiction in which it occurred at the time that it occurred.

A fetus in utero that is later born alive shall be considered a person in being during the period of gestation.

### (b) Community Property

The term "community property" means property characterized as such under the relevant state's property laws. The term "community estate" means that portion of the estate consisting of community property.

### (c) Descendants

The term "descendants" means the lineal descendants of all generations of the identified person, and includes children whose relationships with their parents arose from any of the following:

(i) natural birth;

(ii) legal adoption;

(iii) court declaration of parentage; and

(iv) recognition of parent-child relationship by state law for children born during a domestic partnership, civil union, or marriage.

### (d) Fiduciary

My "Fiduciary" or "Fiduciaries" refers to my Executor and my Trustee, or if they are different people, either of them. My "Executor" includes any executor, temporary executor, preliminary executor, ancillary executor, administrator, or ancillary administrator, whether local or foreign and whether of all or part of my estate, multiple Executors, and their successors.

### (e) Incapacity

Except as otherwise provided in my Will, a person is deemed incapacitated in any one of the following circumstances.

#### (1) The Opinion of a Licensed Physician

An individual is deemed incapacitated whenever, in the opinion of a licensed physician, the individual is unable to effectively manage his or her property or financial affairs, whether as a result of age, illness, use of prescription medications, drugs or other substances, or any other cause.



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An individual is deemed restored to capacity whenever the individual's personal or attending physician provides a written opinion that the individual is able to effectively manage his or her property and financial affairs.

**(2) Court Determination**

An individual is deemed incapacitated if a court of competent jurisdiction has declared the individual to be disabled, incompetent, or legally incapacitated.

**(3) Disappearance, Absence, or Detention**

An individual is deemed incapacitated whenever, in my Trustee's sole and absolute discretion, he or she cannot effectively manage his or her property or financial affairs due to disappearance, absence, or detention (including incarceration).

A person's disappearance, absence, or detention (including incarceration), may be established by an affidavit of my Trustee describing the relevant circumstances. A third party dealing in good faith with my Trustee may rely on the affidavit as conclusive evidence of incapacity.

**(f) Legal Representative**

As used in my Will, the term "legal representative" means a person's guardian, conservator, personal representative, executor, administrator, Trustee, or any other person or entity personally representing a person or the person's estate.

**(g) Per Stirpes**

Whenever a distribution is to be made to a person's descendants "per stirpes," the distribution will be divided into as many equal shares as there are then-living children of the person and deceased children of the person who left then-living descendants. Each then-living child will receive one share and the share of each deceased child will be divided among such child's descendants in the same manner.

**(h) Primary Beneficiary**

The primary beneficiary of a trust created under my Will is the oldest income beneficiary of that trust unless some other individual is specifically designated as the primary beneficiary of that separate trust.

**(I) Shall, Must, and May**

Unless otherwise specifically provided in my Will or by the context in which used, the words "shall" and "must" are used interchangeably to command, direct, or require, and the word "may" to allow or permit, but not require. In the context of my Fiduciary, the word "may" is used to authorize

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my Fiduciary to act in my Fiduciary's sole and absolute discretion, unless otherwise stated. In addition, unless otherwise specifically provided in my Will or by the context in which used, the phrases "shall not," "must not," and "may not" are used interchangeably to prohibit or forbid.

### (j) Supplemental Needs Person

The term "Supplemental Needs Person" means a person who:

(i) is disabled; or

(ii) is receiving, or is eligible to receive, assistance or other benefits under a means-based government program (such as Medicaid or Supplemental Security Income).

As used above, the term "disabled" means disabled as defined in United States Code Title 42, Section 1382c(a)(3), or any other federal law related to means-based government programs for the disabled, or under Tennessee law related to means-based government programs, or under the law related to means-based government programs in the state where the person resides if the person is not a resident of Tennessee.

As used above, the term "assistance" means assistance or medical assistance as defined in United States Code Title 42, Section 1396d(a), or any other federal law related to means-based government programs for the disabled, or under Tennessee law related to means-based government programs, or under the law related to means-based government programs in the state where the person resides if the person is not a resident of Tennessee.

As used above, a person is "eligible to receive" assistance or other benefits under a means-based government program if the person has been deemed eligible by the agency overseeing the program, or if the Trustee, in the Trustee's sole and absolute discretion, determines that the person would be eligible to receive such assistance or other benefits if an application were made.

### (k) Other Definitions

Except as otherwise provided in my Will, terms shall be as defined under Tennessee law.

## Section 10.02 Survivorship Presumption

If my husband and I die under circumstances in which the order of our deaths cannot be established, then my husband will be deemed to have survived me. If any other beneficiary dies within 30 days after my death, then the beneficiary will be deemed to have predeceased me for purposes of my Will.

## Section 10.03 General Provisions

The following general provisions and rules of construction shall apply to my Will:

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### (a) Singular and Plural; Gender

Unless the context requires otherwise, words denoting the singular may be construed as plural and words of the plural may be construed as denoting the singular. Words of one gender may be construed as denoting another gender as is appropriate within the context. The word "or" when used in a list of more than two items may function as both a conjunction and a disjunction as the context requires or permits.

### (b) Headings of Articles, Sections, and Subsections

The headings of Articles, Sections, and subsections used within my Will are included solely for the convenience and reference of the reader. They shall have no significance in the interpretation or construction of my Will.

### (c) Governing State Law

My Will shall be governed, construed, and administered according to the laws of Tennessee as from time to time amended. Questions of administration of any trust established under my Will shall be determined by the laws of the situs of administration of such trust.

### (d) Notices

Unless otherwise stated, whenever my Will calls for notice, the notice shall be in writing and shall be personally delivered with proof of delivery, or mailed postage prepaid by certified mail, return receipt requested, to the last known address of the party requiring notice. Notice shall be effective on the date personally delivered or on the date of the return receipt. If a party giving notice does not receive the return receipt but has proof that he or she mailed the notice, notice shall be effective on the date it would normally have been received via certified mail. If notice is required to be given to a minor or incapacitated individual, notice shall be given to the parent or legal representative of the minor or incapacitated individual.

### (e) Severability

The invalidity or unenforceability of any provision of my Will shall not affect the validity or enforceability of any other provision of my Will. If a court of competent jurisdiction determines that any provision is invalid, the remaining provisions of my Will shall be interpreted and construed as if any invalid provision had never been included in my Will.



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## Testator and Witnesses

I, Beverly A. Houx, the Testator, sign my name to this instrument consisting of 27 pages on October 2, 2019, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my last will and testament, that I sign it willingly (or willingly direct another to sign for me), that I execute it as my free and voluntary act for the purposes therein expressed, and that I am eighteen years of age or older, of sound mind, and under no constraint or undue influence.

BAH

**Beverly A. Houx, Testator**

We, STANNON LASHLEE and ADRIANA WHITE, the witnesses, sign our names to this instrument, and declare that Beverly A. Houx (the Testator) signed and executed this instrument as her last will and testament and that she signed it willingly (or willingly directed another to sign for her) and that each of us, at the request of the Testator, and in the presence and hearing of the Testator, and in the presence and hearing of each other, hereby sign this will as witnesses to the Testator's signing, and that to the best of our knowledge the Testator is eighteen years of age or older, of sound mind, and under no constraint or undue influence.

(Witness signature)

STANNON LASHLEE
(printed name)

4525 HARDING PIKE
(street address)

NASHVILLE, TN 37205
(city, state zip)

(Witness signature)

Adriana White
(printed name)

4525 HARDING PIKE
(street address)

NASHVILLE, TN 37205
(city, state zip)

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## Self-Proving Affidavit of Witnesses

We Shannon Lashlee and Adriana White, the witnesses, being first duly sworn, do hereby declare to the undersigned authority that Beverly A. Houx (the Testator) signed and executed this instrument as her last will and testament and that she signed it willingly (or willingly directed another to sign for her) and that each of us, at the request of the Testator, and in the presence and hearing of the Testator, and in the presence and hearing of each other, signed this will as witnesses to the Testator's signing, and that to the best of our knowledge the Testator is eighteen years of age or older, of sound mind, and under no constraint or undue influence.

Shannon Lashlee
(Witness signature)

Adriana White
(Witness signature)

SHANNON LASHLEE
(printed name)

Adriana White
(printed name)

STATE OF TENNESSEE )
) ss.:
COUNTY OF Davidson )

Subscribed and sworn to (or affirmed) before me on this 2nd day of October, 2019, by Shannon Lashlee and Adriana White, proved to me on the basis of satisfactory evidence to be the person who appeared before me.

[Seal]

BARBARA J. MOSS
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY
My Commission Expires JULY 09, 2022

Notary Public

Barbara Moss
(Printed name)

My commission expires:

7/9/22



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