Karen Johnson Davidson County
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# STATE OF TENNESSEE

**I, RICHARD R. ROOKER,** Clerk of the Circuit Court for Davidson County, do hereby certify that the foregoing is a true and complete copy of the **LAST WILL AND TESTAMENT** heretofore assigned to Seventh Circuit Court (Probate Division) for Davidson County, Tennessee, Case No. **20P-1348.**

**ESTATE OF JOYCE ASHBY ALLEN**

**IN TESTIMONY WHEREOF,** I hereunto subscribe my name and affix the seal of said Court, at office, in Nashville, the 2nd day of September in the year Two Thousand and twenty.

RICHARD R. ROOKER CIRCUIT COURT CLERK

**RICHARD R. ROOKER,** Clerk

By: _____
Deputy Clerk

20P1348

FILED

SEP 02 2020

RICHARD R. ROOKER

BY: _____ D.C.

# LAST WILL AND TESTAMENT

# OF

# JOYCE A. ALLEN

I, Joyce A. Allen, a resident of Davidson County, Tennessee, do make, publish and declare this to be my Last Will and Testament, hereby revoking all Wills and Codicils heretofore made by me. However, the foregoing revocation is not intended to revoke any document commonly known as a "Living Will."

## ITEM I

I direct that all of my legal debts (excluding debts secured by mortgages or other security instruments), my funeral expenses, and the costs of administration of my estate be paid as soon as practicable and convenient after my death. My Executrix, in her sole discretion, may pay from my domiciliary estate all or any portion of the costs of ancillary administration and similar proceedings in other jurisdictions.

## ITEM II

My Children are Nickie Gooch, Loretta Blaes, Janet Kestner and Judy Dooley. I give, devise and bequeath to my children in equal shares, per stirpes, any and all interests in real property I own at the time of my death and the rest and residuary of my estate, subject to a life estate bequeathed to Doris Boyce in real property located at 2719 Rosedale Place, Nashville, Tennessee 37211 and business interests in DJ's Drapery.

Any disputes or discrepancies over any items bequeathed hereunder shall be resolved by my Executrix, exercising an absolute and unlimited discretion that cannot be challenged by any person interested in this Will.

After I sign this Will, I may leave a letter or other written document either in my own handwriting or signed by me or both addressing the distribution of certain items of my tangible personal property. If I prepare this document, I will keep it with my Will. If my Executrix finds this document, it is my desire that the wishes expressed in such document be carried out.

All bequests under this Item or any document described above in this Item are contingent upon my owning the item or items bequeathed at my death and upon the recipient surviving me, unless I expressly provide otherwise.

## ITEM III

I nominate and appoint Loretta Blaes, as Executrix of this my Last Will and Testament. If for any reason she shall be unable or unwilling to serve in that capacity, I nominate and appoint Janet Kestner, as Executrix of this my Last Will and Testament. I authorize my Executrix and any successor in that capacity (including any substitute personal representative) in the exercise of a reasonable discretion with respect to all property, real and personal, at any time forming part of my estate, to exercise any or all of the powers set forth in TENN. CODE ANN. § 35-50-110, to the extent applicable, all of which provisions and powers are incorporated herein by reference as fully as if copied herein verbatim. In addition, my Executrix and any successors are authorized to do any and all things which I might do if living and which my Executrix or any successors shall deem advisable for the proper protection and management of the assets of my estate during its administration.

## ITEM IV

I direct that no inventory, accountings, bond or other security shall be required in any jurisdiction of any person named in this Will as Executor, Executrix, Trustee or Guardian, or any successor in those capacities.

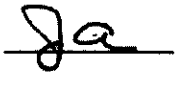
## ITEM V

1. **Payment of Debts, Administration Expenses and Taxes**. All of my legally enforceable debts (except secured debts, which may be paid or retained in the discretion of the Executrix), my funeral expenses and the expenses of administration of my estate, both domiciliary and ancillary, shall be paid by my Executrix as soon as practicable after my death. My Executrix shall pay out of my residuary estate all estate, inheritance and other death taxes that shall become payable by reason of my death, whether in respect of property passing under this Will or otherwise, as an expense of administration, without apportionment; provided, however, that I grant to my Executrix the discretion to apportion such taxes to persons receiving assets outside of this Will as a result of my death in accordance with TENN. CODE ANN. § 30-2-614 when, in my Executrix's discretion, it would be inequitable to charge such taxes to the takers of my residuary estate.
2. **Real Property**. Any real property I own at my death is to be administered as a part of my probate estate subject to the control of the Executrix for purposes of administration, as authorized by TENN. CODE ANN. § 31-2-103. So long as the Executrix serves, the Executrix shall have the same power over the title to real property as an absolute owner

would have, including but not limited to the power to sell, mortgage, lease or otherwise convey any interest in any real estate without the signature, consent or approval of any heir, legatee, beneficiary, court or other person, provided that in exercising such power the Executrix shall be acting in a fiduciary, not an individual, capacity.

3. **Powers of Executrix**. I grant to my Executrix any and all of the powers that an Executrix may exercise under the applicable laws of the State of Tennessee, including but not limited to the powers enumerated in TENN. CODE ANN. § 35-50-110 which are incorporated by reference as well as the powers granted in the Uniform Trust Code as adopted in Tennessee and any other powers granted in Title 35 of the Tennessee Code, even if my estate is administered in a state other than Tennessee or any Executrix is a citizen or resident of a state other than Tennessee, to the extent that such state laws are not inconsistent with any express powers granted the Executrix hereunder. I grant to my fiduciaries the power and authority to appoint resident fiduciaries to serve with them when applicable law so requires.

4. **Distribution to a Minor or Incapacitated Beneficiary**. During the minority or incapacity of any beneficiary to whom any bequest is payable or distributable under this Will, the Executrix, exercising a reasonable discretion, may make distribution in any one or more of the following ways: (1) directly to such beneficiary such amount as the Executrix may deem advisable as an allowance; (2) to the guardian, conservator or limited guardian (including the Executrix) of the person or of the property of such beneficiary; (3) to a custodian (including the Executrix) in accordance with the Tennessee Uniform Transfers to Minors Act, to hold until such person reaches age 25 or any lower age that such custodian determines appropriate; (4) to a relative (including the Executrix)

of such beneficiary upon the agreement of such relative to expend such income or principal solely for the benefit of the beneficiary; (5) by expending such income or principal directly for such beneficiary; or (6) to invest in or contribute to a qualified Internal Revenue Code Section 529 plan as an account owner on behalf of a beneficiary and exercise any options under such account consistent with the purposes set forth herein.

IN WITNESS WHEREOF, I have hereunto subscribed my name to this my Last Will and Testament, consisting of eight (8) typewritten pages, each of which is identified by my signature thereon, this 17 day of April, 20 17 and do publish and declare this as my Last Will and Testament, in the presence of each and all of the subscribing witnesses who I have requested to act as such by signing the Attestation Clause and Affidavit to prove this Will pursuant to the provisions of TENN. CODE ANN. § 32-2-110.

Joyce A. Allen, TESTATRIX

SWORN TO AND SUBSCRIBED before me this 17th day of April, 2019.

Deborah A Neisz
Notary Public

My Commission Expires:
06/19/2021

DEBORAH A NEISZ
STATE OF TENNESSEE
NOTARY PUBLIC
RUTHERFORD COUNTY
My Commission Expires 06-19-2021

PREPARED BY:

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