Karen Johnson Davidson County
Batch# 480961 AFFIDAVIT
09/22/2020 12:34:30 PM 8 pgs
Fees: $42.00 Taxes: $0.00
20200922-0108605

SCRIVENER'S AFFIDAVIT

WHEREAS, the undersigned Affiant prepared the Executor's Quitclaim Deed executed by Gary Michael McDowell, Executor of the Estate of Clayton P. McDowell, deceased, appearing of record in Instrument No. 20200805008716 9, Register's Office for Davidson County, Tennessee; and

WHEREAS, said Executor's Quitclaim Deed contained the following scrivener's errors in it:

The Exhibit A and Exhibit B were not attached.

NOW, THEREFORE, the undersigned Affiant hereby affirms that the scrivener's errors consisted of the Exhibit A and Exhibit B not being attached to said Deed.

The Exhibit A and Exhibit B are attached hereto and made a part of said Executor's Quitclaim Deed.

This Scrivener's Affidavit is being recorded to make the above corrections on said Executor's Quitclaim Deed.

This Affidavit is being made solely to correct said errors.

WITNESS MY HAND on this the 22nd day of September 2020.

Cindy S. Smith, P.C., Affiant

By: _____
Cindy S. Smith, President

STATE OF TENNESSEE
COUNTY OF DAVIDSON

Personally appeared before me, the undersigned, a Notary Public in and for said County and state, the within named Cindy S. Smith, with whom I am personally acquainted, (or proved to me on the basis of satisfactory evidence) and who upon her oath acknowledged herself to be the President (herein "Officer") of Cindy S. Smith, P.C., a Tennessee corporation, the within named bargainor, and that she as such Officer executed the within instrument for the purposes therein contained by signing the name of the company by the said Cindy S. Smith as such Officer.

Witness my hand and official seal at office, this 22nd day of September 2020.

_____
Notary Public
My Commission Expires: _____

Prepared by:
Cindy S. Smith, P.C.; Attorney at Law; P.O. Box 292004; Nashville, TN 37229-2004

NOTE TO REGISTER OF DEEDS:
Please index under the following names:
Clayton P. McDowell
Gary Michael McDowell, Executor
Gary Michael McDowell

Exhibit B

Copy

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LAST WILL AND TESTAMENT OF

CLAYTON P. McDOWELL

I, Clayton P. McDowell, being one and the same as Clayton Paul McDowell, domiciled in Nashville, 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.

ARTICLE I

I nominate and appoint my beloved wife, Elizabeth A. McDowell, of Nashville, Tennessee, as my Executrix of this my Last Will and Testament, and it is my desire that she serve in such capacity without the necessity of making bond. In the event that Elizabeth A. McDowell predeceases me, then I nominate and appoint my son and daughter, Gary Michael McDowell, of Manorville, New York, and Janet Elizabeth McDowell Caldwell, of Nashville, Tennessee, as Co-Executors of this my Last Will and Testament, and it is my desire that they serve in such capacity without the necessity of making bond. I specifically grant to my Executrix or Co-Executors all powers set forth in Tennessee Code Annotated, Section 35-50-110, which are incorporated herein by reference.

I further nominate and appoint Gary Michael McDowell and Janet Elizabeth McDowell Caldwell, as Co-Trustees of any Trust created herein and it is my desire that they serve without the necessity of making bond.

I further waive the requirement of an inventory of my estate if same can be lawfully waived.

ARTICLE II

I direct that all of my just debts, my funeral expenses and the costs of administration of my estate be paid from cash assets of my estate or from my burial policy, if any, as soon as practicable after my death.

I further direct that all estate, inheritance, succession, legacy, transfer, and other taxes of the same nature which are payable because of my death, including any interest or penalties

Clayton P. McDowell

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thereon with respect to the property comprising my estate for such tax purposes whether or not such property passes under this Will and whether such taxes are payable by my estate or by any recipient or beneficiary of any such property, shall be paid entirely out of my estate as an expense of administration and without any apportionment and with no right of reimbursement from any recipient or beneficiary of such property.

I further direct that in the event that any property or interest in property passing under this Will, by operation of law, or otherwise by reason of my death (other than as a part of my residuary estate), shall be encumbered by mortgage or lien, or shall be pledged to secure an obligation, it is my intention that such indebtedness shall not be charged to or paid from my estate, but that the devisee, legatee, joint owner taking by survivorship, or beneficiary receiving such property or interest in property shall take it subject to all encumbrances existing at the time of my death.

ARTICLE III

I direct that all of my insurance policies which provide indemnity for the loss of or damage to any of my personal or real property by fire, windstorm, or other similar casualty (including any claim for the loss of or damage to any such property which I might have at the time of my death against any insurance company), I give and bequeath, respectively, to those persons or corporations, as the case may be, who shall or would have become the owners of such properties by reason of my death, whether such ownership be acquired under the provisions of this Will, by survivorship or by other means.

ARTICLE IV

If my wife, Elizabeth A. McDowell, survives me, I give, devise and bequeath to her all of my property, real, personal, and mixed, of every nature and wheresoever situated, including lapsed legacies and devises, remainders, reversions, expectancies, income collected during the period of administration of my estate and all property

Clayton P. McDowell

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of which I have power of testamentary disposition, control or appointment.

ARTICLE V

If my wife, Elizabeth A. McDowell, shall predecease me or shall die at the same time as I do or under such circumstances as to render it impossible to determine who survived the other, I give, devise, and bequeath all of my property, real, personal, and mixed of every nature and wheresoever situated, including lapsed legacies and devises, remainders, reversions, expectancies, income collected during the period of administration of my estate and all property of which I have power of testamentary disposition, control or appointment herein to my children, Gary Michael McDowell and Janet Elizabeth McDowell Caldwell, equally, to share and share alike. However, if Gary Michael McDowell or Janet Elizabeth McDowell Caldwell predecease me, I give, devise, and bequeath all of such deceased child's portion of my property, real, personal and mixed, of every nature as described above to such deceased child's children. I direct that such deceased child's share be divided equally among his then living biological children to share and share alike. If Gary Michael McDowell or Janet Elizabeth McDowell Caldwell predecease me leaving no children, then I direct that my deceased child's share of my estate share lapse and be distributed to my one surviving child.

ARTICLE VI

In the event that I and my wife, Elizabeth A. McDowell, die as a result of a simultaneous accident, or within six (6) months of one another, it shall be presumed that my wife predeceased me and all property distributed hereunder shall be distributed according to the terms of this my Last Will and Testament.

ARTICLE VII

Although my spouse and I are executing our Wills at or about the same time, I desire to make it plain that there has not been a contract between my spouse and me to make mutual testamentary disposition of our property. It is my intention in the event my

Clayton D. McDowell

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spouse survives me, she shall have full power to execute a later Will or Wills making such disposition of her estate as she may desire in her sole discretion including any or all property passing to her under the provisions of this Will.

ARTICLE VIII

If there is any bequest or devise made to any minor herein and direction is not given as to whom it shall be distributed on behalf of the minor, then I direct that said bequest or devise shall be made pursuant to the Tennessee Uniform Transfers to Minors Act as codified in Tennessee Code Annotated, Section 35-7-201 et seq.

ARTICLE IX

Whenever necessary for proper construction, the singular shall include the plural and the plural shall include the singular, and the use of any gender shall be applicable to all genders.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name to this my Last Will and Testament, consisting of this and 3 preceding typewritten pages and 1 succeeding typewritten pages, and for the purpose of identification I have signed each page, all in the presence of the persons witnessing it at my request on this 18th day of November, 1996, at Nashville, Tennessee.

Clayton P. McDowell

CLAYTON P. McDOWELL

ATTESTATION CLAUSE

The foregoing instrument, consisting of this and 3 preceding typewritten pages and 1 succeeding typewritten pages, was signed, sealed, published and declared by CLAYTON P. McDONELL, the Testator, to be his Last Will and Testament in our presence and we at his request and in his presence and in the presence of each other, have hereunto subscribed our names as witnesses, this 18th day of November, 1996, at Nashville, Tennessee.

_____ residing at 2105 Elm Hill Pk #C Nashville TN 37214

_____ residing at 2453 Cabin Hill Rd Nashville TN 37214

Clayton P. McDowell

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AFFIDAVIT OF WITNESSES TO PROVE WILL

Cindy S. Smith and Andrew P. Charlton

after being duly sworn according to law, depose and say:

1. That they are adult citizens of the United States of America and of sound mind.

2. That they witnessed the execution of the Last Will and Testament of CLAYTON P. McDOWELL (Testator) dated November 18, 1996, to which this affidavit is attached, and that this affidavit is being made at the request of the Testator, and in accordance with Tennessee Code Annotated, Section 32-2-110.

3. That their signatures are affixed to said Last Will and Testament, that they signed or affixed their names at the instance and at the request of the Testator and in his presence, and in the presence of each other, at the place and on the date recited in said Last Will and Testament.

4. That the Testator voluntarily signed said paper writing as and for his Last Will and Testament in their sight and presence.

5. That at the time they witnessed said will, the Testator was, in their opinion, of full age and of sound and disposing mind and memory and competent to make testamentary disposition of real and personal property.

Witness
Address of Witness:
1005 Edmondson Pike
Nashville TN 37214

Witness
Address of Witness:
2453 Cabin Hill Rd
Nashville, TN 37214

STATE OF TENNESSEE
COUNTY OF DAVIDSON

Subscribed and Sworn to before me this 18th day of November, 1996.

Notary Public
My Commission Expires: 1-24-98

Clayton P. McDowell

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EFILED 09/22/20 11:44 AM CASE NO. 19P1758 Richard R. Rooker, Clerk

IN THE CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE

(PROBATE DIVISION)

LETTERS TESTAMENTARY

TO: **GARY MICHAEL MCDOWELL** DOCKET NO. **19P1758**

It appearing to the Court that ***CLAYTON P. MCDOWELL*** *has died leaving a written Will in which you are appointed* ***Executor*** *and which has been duly approved by the Court; and you having been qualified according to law, and it having been ordered by said Court that Letters Testamentary issue to you;*

THESE ARE, THEREFORE, to empower you, the said ***GARY MICHAEL MCDOWELL****, to enter upon the execution of said Will, and take into your possession all of the property, and to make, within* ***sixty (60) days*** *from this date, a perfect inventory thereof, and make due collection for all debts, and after paying all the just demands against the Testator, and settling up the business according to law, you will pay over and deliver the property and effects that may remain in your hands, and do all other things that may be required, according to the provisions of the said will and the laws of the land.*

WITNESS, Richard R. Rooker, Clerk of the Probate Court, at office, this ***September 21st, 2020****.*

RICHARD R. ROOKER, Clerk

_____ D.C.

STATE OF TENNESSEE)

DAVIDSON COUNTY)

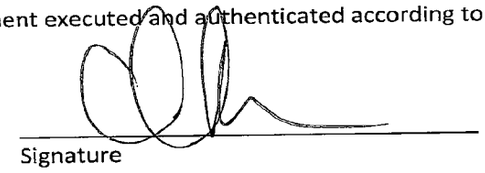
I, RICHARD R. ROOKER, Clerk of the Probate Court of said County, do hereby certify that the foregoing is a true and perfect copy of the Letters Testamentary issued to **GARY MICHAEL MCDOWELL** as **Executor** of the estate of **CLAYTON P. MCDOWELL**, deceased, and I do further certify that **GARY MICHAEL MCDOWELL** is still acting **Executor** of the estate of **CLAYTON P. MCDOWELL** and all acts as such are entitled to full faith and credit as it appears from the official record in my office in Nashville, Tennessee, this the _____ day of _____, 20___.

RICHARD R. ROOKER, Clerk

_____ D.C.

AFFIDAVIT FOR RECORDING

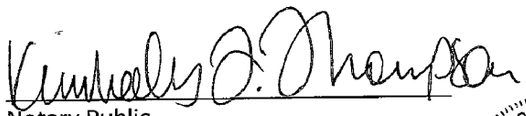
I, Cindy S. Smith, do hereby make oath that I am a licensed attorney and/or the custodian of the electronic version of the attached document tendered for registration herewith and that this is a true and correct copy or the original document executed and authenticated according to law.



Signature

State of Tennessee
County of Davidson

Personally appeared before me, Kimberly J. Thompson, a notary public for this county and state, Cindy S. Smith, who acknowledged that this certification of an electronic document is true and correct and whose signature I have witnessed.



Notary Public
My Commission Expires: _____

