Karen Johnson Davidson County
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ENTERED
AT 3:30 P.M
OCT 29 2019

ENTERED IN WILL BOOK
41, PAGE 76
OCT 29 2019

# WILL

# OF

# RUTH S. EARHART

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#: 2019PR317

ENTERED
AT 3:30 P M
OCT 29 2019

# WILL

# OF

# RUTH S. EARHART

I, Ruth S. Earhart, whose full name is Lady Ruth Seiner Earhart, currently residing in Hermitage, Tennessee, and a citizen of the United States of America, make and declare this document as my Will. I revoke all former wills and codicils.

## ITEM 1
## RESIDUARY ESTATE

I devise and bequeath all of the property that I own at my death (except for any power of appointment) to the then-acting Trustee of the Ruth S. Earhart Living Trust, an inter vivos trust established by a Revocable Trust Agreement signed by me on June 24, 2003, as amended from time to time (the "trust"), with such assets to be held, administered and distributed pursuant to the provisions of the trust. If for any reason the trust is not in existence at the time of my death or this pourover provision is held to be invalid or ineffective, then I hereby incorporate by this reference all provisions of the trust into this Will, and I devise and bequeath my residuary estate to the person appointed in the trust to serve as Trustee upon and after my death, to be held as a trust estate and administered and distributed in exactly the same manner as described in the trust.

## ITEM 2
## EXECUTOR

I nominate the following persons to serve as the Executor of this Will, with such persons to act successively, in the order named:

1. My spouse, Joseph S. Earhart, Sr.

2. My children, Joseph Sterling Earhart, Jr., and Kirbi Earhart Lane, acting jointly, but if either one of them is unable to serve as Executor for any reason, then the other one of the two of them shall serve alone as Executor.

To the extent permitted by applicable law, no Executor shall be required to furnish bond, file any inventory or file any accountings with respect to the performance of the Executor's duties.

Any person serving as Executor hereunder will render valuable services for which payment of a reasonable fee will be deserved. I do not want any individual Executor to be required to seek approval of a fee from any Court or legatee of this Will. Accordingly, I authorize any individual person serving as Executor to receive and be paid a fee equal to one-half



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(1/2) of the fee that would be charged by SunTrust Bank, Nashville, Tennessee, in accordance with its fee schedule in effect at the time the fee is charged. If two or more individuals serve at the same time, they shall each receive an equal share of the fee as determined above, unless they agree to divide the fee otherwise.

## ITEM 3
## ADMINISTRATIVE PROVISIONS

**A. 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 Executor, and if paid shall be without right of contribution from my spouse), my funeral expenses and the expenses of administration of my estate, both domiciliary and ancillary, shall be paid by my Executor as soon as practicable after my death. My Executor shall pay all estate, inheritance and other death taxes which shall become payable by reason of my death, whether in respect of property passing under this Will or otherwise, in accordance with the applicable provisions of the trust.

**B. Life Insurance.** The proceeds of any life insurance payable to my Executor or my estate are to be free from the claims of creditors, and are to be held and distributed as provided by the terms of this Will. My Executor may use (but shall not be required to use) any portion of such proceeds as my Executor deems advisable, exercising a reasonable discretion, for the payment of debts, expenses and taxes, but only if my Executor deems such use of the proceeds to be in the best interests of my legatees and beneficiaries hereunder.

**C. 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 Executor for purposes of administration, as authorized by Tennessee Code Annotated Section 31-2-103. So long as the Executor serves, the Executor 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 Executor shall be acting in a fiduciary, not an individual, capacity.

**D. Powers of Executor.** The Executor, in the exercise of a reasonable discretion with respect to all property, real and personal, at any time forming a part of my estate, may exercise any and all of the powers set forth in Tennessee Code Annotated Section 35-50-110, to the extent applicable, all of which provisions and powers are incorporated herein by reference (as set out in this statute on the date I sign this Will), even if this statute is amended or repealed hereafter and even if my estate is administered in a state other than Tennessee. I grant to my Executor the power and authority to appoint a resident Co-Executor to serve with the Executor if applicable law so requires.

E. **References To Internal Revenue Code.** All references in this Will to the Internal Revenue Code refer to the Internal Revenue Code of 1986, as amended, or the corresponding provisions of any subsequent federal tax law.

F. **Marital Deduction Provisions.** It is my intention that, if my Executor so elects, the Marital Share in the trust shall qualify for the marital deductions for federal estate tax and Tennessee inheritance tax purposes; accordingly, all provisions of this Will shall be interpreted and limited so as to carry out this intention. Any provision of this Will that cannot be so interpreted or limited or that is inconsistent with such intention shall be void. No power or discretion granted to my Executor shall be exercised or exercisable in a manner inconsistent with the foregoing.

My Executor may make or refrain from making the elections under Section 2056(b)(7) of the Internal Revenue Code and Tennessee Code Annotated Section 67-8-315 to treat all or part of the eligible property includable in my gross estate as qualified terminable interest property, and to make such elections for federal estate tax purposes or for Tennessee inheritance tax purposes or for both purposes or for one purpose and not for the other. I have prepared my estate plan with the assumption that such elections will be desirable. I recognize, however, that circumstances existing at the time of my death might cause the making of such elections to be imprudent. It is my desire that my Executor review such circumstances as may exist at the time of my death and take such action with regard to such elections as are determined to be in the best interest of my family (but in considering such interests my spouse's interests shall be given preference). My Executor shall have no liability to anyone with respect to a good faith decision in this regard.

I authorize my Executor, in the Executor's reasonable discretion, to make the special election provided by Section 2652(a)(3) of the Internal Revenue Code, if applicable. If this special election is made, then I authorize and direct my Executor to set aside the property or the fractional or other portion of the trust over which the special election is made into a separate trust or trusts, which shall be identical in all other respects to the original trust, except as provided in the trust.

G. **Generation Skipping Tax Provisions.** I authorize my Executor, in the Executor's reasonable discretion, to allocate any portion of my generation skipping tax exemption under Section 2631(a) of the Internal Revenue Code to any property as to which I am the transferor, including any property transferred by me during my lifetime as to which I did not make an allocation prior to my death and any property passing pursuant to my Will or outside of my Will at my death.

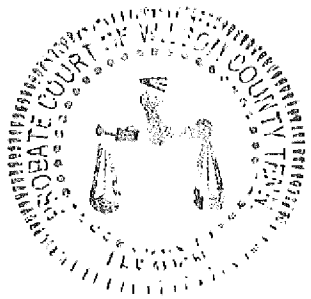
H. **References to Executor.** For convenience, the Executor named in this Will (including any alternates) is/are sometimes referred to in the singular person and masculine gender, regardless of the number or gender of those actually named herein.

I. **Captions.** The captions and headings of this Will are for convenience only and shall not define or limit the provisions contained herein.

IN WITNESS WHEREOF, I sign this Will in the presence of the persons witnessing it, at my request, on this the 2 4 day of June, 2003.

Ruth S. Earhart

Ruth S. Earhart




STATE OF TENNESSEE, COUNTY OF WILSON
I hereby certify the foregoing to be a true and perfect copy of the original instrument on file in this case.

10th day of Nov, 2020
MILLIE SLOAN, CLERK & MASTER
D. C&M



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Signed and declared by Ruth S. Earhart, to be such person's Will in the presence of all of us at one and the same time, and we, at such person's request and in such person's presence and in the presence of each other, have subscribed our names as witnesses, and we do hereby attest to the sound and disposing mind of Ruth S. Earhart to the performance of the aforesaid act of execution on the date hereinabove set out.

**WITNESSES:**

Daniel C. Paulus — DANIEL C. PAULUS
**Signature** **Print or Type Name**

Nashville, TN.
**Address**

Martha Littlefield — Martha Littlefield
**Signature** **Print or Type Name**

Nashville, TN
**Address**

**THIS DOCUMENT PREPARED BY:**

**JEFFREY MOBLEY**
One Belle Meade Place
4400 Harding Road, Suite 204
Nashville, Tennessee 37205
(615) 777-5400



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# AFFIDAVIT

STATE OF TENNESSEE )
COUNTY OF DAVIDSON )

The undersigned persons, after first being duly sworn according to law, depose and say:

1. They witnessed the execution of the Will of Ruth S. Earhart, dated the 24th day of June, 2003, to which this Affidavit is attached, and that this Affidavit is being made at the request of such person and in accordance with the provisions of Tennessee Code Annotated, Section 32-2-110.

2. Their signatures are affixed to the Will, they signed the Will at the request of such person, and in the presence of such person, and in the presence of each other witness, on the date recited in said Will.

3. Ruth S. Earhart signed said paper writing as and for his or her Will in their sight and presence.

4. At the time they witnessed the Will, Ruth S. Earhart was, in their opinion, of sound mind.

Daniel C. Caulus
Witness

Martha Littlefield
Witness

Sworn to and subscribed before me by the two (2) persons whose signatures are affixed hereto on this 24th day of June, 2003.

Notary Public

My Commission Expires:

NOTARY PUBLIC AT LARGE
DAVIDSON COUNTY, TENN.

My Commission Expires MAY 30, 2007

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## CERTIFICATE OF AUTHENTICITY

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

**Jeffrey Mobley**

STATE OF TENNESSEE )
COUNTY OF DAVIDSON )

Personally appeared before me, Julia C. Hunt, a notary public for this county and state, Jeffrey Mobley, who acknowledges that this certification of an electronic document is true and correct and whose signature I have witnessed.

Notary Public

My Commission Expires:

Notary's Seal (if on paper)

