Karen Johnson Davidson County
Batch# 615097 WILL
04/14/2021 03:12:42 PM 7 pgs
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20210414-0049924

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 19 day of MARCH, 2021, in Docket Number 21P342, IN RE: WITHERSPOON, CATHI DELE, 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 06 day of APRIL in the year 2021 and in the 244 year of American Independence.

RICHARD R. ROOKER, Clerk,

By: _____ Deputy Clerk

[SEAL]

EFILED 03/19/21 09:05 AM CASE NO. 21P342 Richard R. Rooker, Clerk

21P342

EFILED
MAR 19 2021
RICHARD R. ROOKER, Clerk
By _____ Deputy

STATE OF NORTH CAROLINA
In The General Court Of Justice

Durham County

EXEMPLIFICATION

28 U.S.C. 1738

As a Clerk of the Superior Court of this County, State of North Carolina, I certify that the attached copies of the documents described below are true and accurate copies of the originals now on file in this office.

Number And Description Of Attached Documents
20-E-406 Estate of Cathi Dele Witherspoon. Document Copies: Statement of Claim DukeHealth, Inventory for Decedent's Estate, Affidavit of Publication, Affidavit of Notice to Creditors, Application for Probate and Letters Testamentary, Certificate of Probate, Oath, Order Authorizing Issuance of Letters, Motion to Extend Time to File, Order to Extend Time to File, Notice to File, Will of Cathi Dele Witherspoon.



Date
09/15/2020
Clerk Of Superior Court
Archie L. Smith III
Name Of Undersigned Clerk (type or print)
B. Ashley Harmon
Signature
B. Ashley Harmon
☒ Deputy CSC ☒ Assistant CSC ☐ Clerk Of Superior Court

As a Judge of the General Court of Justice, State of North Carolina, I certify that the signature appearing above is that of the Clerk, Assistant Clerk, or Deputy Clerk of Superior Court for this County, who is duly sworn. I further certify that the seal affixed to the certificate appearing above is the seal of this Court and that it has been used here in good form by the proper officer.

Date 9/15/2020
Signature Of Judge Pat Evans
Name Of Judge (type or print) Pat Evans

As a Clerk of the Superior Court of this County, State of North Carolina, I certify that the signature appearing above is that of a duly sworn Judge of the General Court of Justice, State of North Carolina.



Date 10-2-2020
Clerk Of Superior Court Archie L. Smith III
Name Of Undersigned Clerk (type or print) Pamela J. Apple
Signature Pamela J. Apple
☒ Assistant CSC ☐ Clerk Of Superior Court

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FILED

MAR 19 2021

RICHARD R. ROOKER, Clerk
By _____ Deputy

WILL OF

CATHI DELE WITHERSPOON

I, Cathi Dele Witherspoon, domiciled and residing in Durham County, North Carolina, make this my Will, revoking any previous Wills and Codicils.

I. IDENTIFICATIONS AND DEFINITIONS

The following definitions are to be used in this Will:

1. "Descendants" means the immediate and remote lawful, lineal descendants of the person referred to who are living at the time they must be ascertained in order to give effect to the reference to them, whether they are born before or after my death or the death of any other person. The persons who take under this Will as "Descendants" take by right of representation according August 3, 2015 to the rule of per stirpes distribution only. The term "Descendants" includes adopted descendants only if they are legally adopted at the time "Descendants" are ascertained.
2. "Executor" or "Executrix" means my appointed representative or any substitute or successor representatives and any reference thereto includes both male and female and singular and plural persons or corporate fiduciaries as appropriate.

II. APPOINTMENT OF EXECUTOR

I appoint Isabel L. Carney as Executor of this Will, to serve without bond.

In the event that Isabel L. Carney should predecease me, or is unable or unwilling to serve as Executor, I appoint Michael Higdon of 1900 T. St NW, Apt 21, Washington, D.C. 20009, to serve as Executor without bond.

III. POWERS OF EXECUTOR

I hereby grant to my Executor continuing absolute, discretionary power to deal with any property, real or personal, held in my estate, as freely as I might in the handling of my own affairs. Such power may be exercised independently and without prior or subsequent approval of any court or judicial authority, and no person dealing with the Executor shall be required to inquire into the propriety of any of his or her actions. I specifically grant to my Executor the power to make distributions (including the

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satisfaction of any pecuniary bequests) in cash or in specific property, real or personal, or an undivided interest therein or partly in cash and partly in such property, and to do so without regard to the income tax basis for federal tax purposes of specific property allocated to any beneficiary. In making distributions, I request (but do not direct) that my Executor do so in a manner which will result in maximizing the increase in basis for federal and state and succession taxes attributable to appreciation. Should any property need to be sold to satisfy obligations of my estate I request (but do not direct) that it have an aggregate income tax basis as close as possible to its aggregate fair market value.

Without in any way limiting the generality of the foregoing and subject to the North Carolina General Statutes §32-26, I hereby grant to my Executor, all the powers set forth in North Carolina General Statutes §32-27, and these powers are hereby incorporated by reference and made a part of this instrument and such powers are intended to be in addition to and not in substitution for the powers conferred by law.

My Executor, in its sole and absolute discretion, may exercise any right to determine the manner and timing of payment (by lump sum or otherwise) of any Retirement Plan (i.e. a qualified retirement, pension, profit sharing, Keogh, individual retirement account, or any other like plan) benefits that are permitted under any Retirement Plan and is consistent with the federal income tax rules regarding required minimum distributions under Section 401(a)(9) of the Internal Revenue Code.

My Executor, in its sole and absolute discretion, may disclaim the benefits of and Retirement Plan payable to any trust established hereunder. Such disclaimed benefits shall be payable, in equal shares, to my surviving descendants, per stipes.

My Executor shall not be liable to any beneficiary for the death benefit election selected or for any decision regarding the disclaimer of the benefit of any Retirement Plans that are payable to any trust created hereunder.

My Executor shall have the power to disclaim any power which, in the opinion of counsel for my estate, will or may increase any taxes with respect to my estate or the interest of any beneficiary herein, or which will or may have any adverse effect on the administration of my estate. The power to disclaim as contained in this paragraph shall apply to any power whether actually set forth in my Will, incorporated by reference herein, or granted or implied by any other statute or rule of law.

IV. PAYMENT OF DEBTS, EXPENSES AND TAXES

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I direct that all my debts allowable as claims, expenses of my last illness, funeral, or cremation expenses, cost of a suitable monument (even though such cost may exceed the amount allowable by law without court approval) and cost of administering my estate shall be paid out of the principal of my residuary estate.

In the event that any property passing under this Will or by operation of law or otherwise by reason of my death shall be encumbered by a mortgage or a lien, or shall be pledged to secure any obligation (whether the property or interest in property so encumbered or pledged shall be owned by me jointly or individually), it is my intention that such indebtedness shall not be charged to and paid from my estate, and that the devisee, legatee, joint owner taking by survivorship or beneficiary shall take such property or interest in property subject to such indebtedness existing at the time of my death.

V. DISPOSITION OF ESTATE

Section A. I may attach a list of some of my furniture, household goods, jewelry, and personal effects. Those items are to be distributed in accordance with the list which is to be written entirely in my handwriting and signed by me. If for any reason such a list is not found and properly identified as such by my Executor within thirty (30) days after the probate of my Will, then all of my personal effects shall be distributed in accordance with succeeding provisions of this Will.

Section B. All the rest of the property which I own at my death, both real and personal, tangible and intangible, including all property which I may acquire or become entitled to after the execution of this Will, I give and devise and bequeath to Isabel L. Carney. If she shall not survive me, then to Michael Higdon.

Section C. In case any distribution hereunder becomes payable to a minor or to a person under legal disability or to a person not adjudicated incompetent, but who, by reason of illness or mental or physical disability, is in the opinion of the Executor unable properly to administer such amounts, then such amounts shall be paid out by the Executor in such of the following ways as it deems best: (a) directly to such beneficiary; (b) to the legally appointed guardian or conservator of such beneficiary; (c) to some relative or friend for the care, support, and education of such beneficiary; (d) by the Executor, using such amounts directly for such beneficiary's care, support, and education; (e) to a person designated by the Executor as Custodian for the person under age twenty-one (21) pursuant to the North

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Carolina Uniform Transfers to Minors Act, as amended, as though the Executor were a donor making a gift under the Act pursuant to its terms.

The receipt of the person or persons to whom any such payment or distribution is so made shall be sufficient discharge therefor.

I, Cathi Dele Witherspoon, the Testatrix, sign my name to this instrument this 14 day of October _____, 2015, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my last will and that I sign it willingly (or willingly direct another to sign it for me), that I execute it as my free and voluntary act for the purposes therein expressed, and that I am eighteen (18) years of age or older, of sound mind, and under no constraint or undue influence.

Cathi Dele Witherspoon, Testatrix

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We, Danny Fry and Joseph W. Marion, the witnesses, sign our names to this instrument, being first duly sworn, and do hereby declare to the undersigned authority that the Testatrix signs and executes this instrument as Testatrix's last will in our presence and that Testatrix signs it willingly (or willingly directs another to sign it for Testatrix), and that each of us, at the request of the Testatrix, and in the presence and hearing of the Testatrix, and in the presence and hearing of each other, hereby signs this last will as witness to the Testatrix signing, and to the best of our knowledge the Testatrix is eighteen (18) years of age or older, of sound mind, and under no constraint or undue influence.

Sign: _____ residing in Durham, North Carolina
Print: Danny Fry

Sign: _____ residing in Durham, North Carolina
Print: Joseph W Marion

STATE OF NORTH CAROLINA, COUNTY OF DURHAM

Subscribed, sworn to, and acknowledged before me by Cathi Dele Witherspoon, the Testatrix, and subscribed and sworn to before me by Danny Fry and Joseph W. Marion, witnesses, this the 14th day of October, 2015.

MARIA ANN SCONZO NOTARY PUBLIC ALAMANCE COUNTY, NC

Sign: _____
Print: MARIA Ann Sconzo - Notary Public
My Commission Expires: 6/2/2018