Karen Johnson Davidson County
Batch# 643035 WILL
05/24/2021 10:41:00 AM 9 pgs
Fees: $47.00 Taxes: $0.00
20210524-0069904

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 16 day of MAY, 2019, in Docket Number 19P780, IN RE: MORGAN, HATTIE JO CANTRELL, 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 07 day of MAY in the year 2021 and in the 244 year of American Independence.

RICHARD R. ROOKER CIRCUIT COURT CLERK

RICHARD R. ROOKER, Clerk,

By: _____
Deputy Clerk

[SEAL]

Copy

19D780

FILED

MAY 16 2019

LAST WILL AND TESTAMENT

OF

HATTIE JO CANTRELL MORGAN

I, Hattie Jo Cantrell Morgan, a resident of Davidson County, Tennessee, and being of sound mind and disposing memory, do hereby make, declare, and publish this to be my Last Will and Testament and revoke all prior Wills and codicils made by me at any time.

ARTICLE I

{Appointment of Executrix}

1. I nominate and appoint my daughter, ABIGAIL LEE MORGAN, to serve as Executrix of this Will and of my estate. If my said daughter shall not survive me or if she shall fail to qualify and serve as Executrix hereunder for any reason, or, having qualified, shall resign or die, then I nominate and appoint my son-in-law, HARRIS SCHLESINGER, to be alternate Executor of this Will and of my estate. References in this Will to Executrix or Executor include the other and are references to whichever of the above and their duly appointed successors shall be serving in such capacity.

2. I direct that no bond or surety shall be required of my Executrix or of any successor or alternate fiduciary for the faithful performance of duties in such capacity.

ARTICLE II

{Estate Administration}

1. I direct my Executrix to pay all my just debts, funeral expenses, and expenses of administration, whether or not such expenses shall arise out of the administration of my domiciliary estate or otherwise, as soon as practicable after my death. All such debts and expenses shall be paid from my residuary estate and no bequest shall be charged with any portion of such expenses.

2. I further direct my Executrix to pay from my residuary estate without apportionment or proration all inheritance and estate taxes imposed by any taxing authority by reason of my death, including taxes assessed on account of any property included in my gross estate for such tax purposes which is not included in my estate for any other purposes.

3. 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 shall be encumbered by lien or shall be

Copy

pledged to secure an 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, to the extent not discharged as a result of payment directly to the owner of such obligation as a named beneficiary under the terms of any policy of life insurance, shall not be charged to or paid from my estate, but, rather, that the devisee, legatee, joint owner taking by survivorship, or beneficiary receiving such property or interest in property shall take such property subject to all encumbrances existing at the time of my death.

4. All real property owned by me at the time of my death shall be a part of my probate estate and shall be subject to administration by and to the control of my Executrix.

5. The reasonable cost of packing, shipping, storing, insuring, and otherwise maintaining, caring for, and delivering any of my property, real and personal, shall be charged as an administrative expense and be paid by my estate.

6. In accordance with and subject to the provisions of Tennessee Code Annotated Sections 30-2-301 and 30-2-601, I expressly relieve my Executrix from any requirement to file an inventory and/or an accounting with the probate court with respect to the administration of this Will and of my estate; provided, however, that my Executrix shall obtain such statements as may be required of the residual beneficiaries of my estate acknowledging that the estate has been properly distributed to such beneficiaries.

7. I intend that my Executrix shall manage and administer my estate and carry out the duties of such office in good faith and with both diligence and reasonable care; however, I relieve any individual who serves as my Executrix from any liability resulting from an honest mistake of judgment made while serving in such capacity.

ARTICLE III

{Administrative Powers and Authority}

1. I authorize and empower my Executrix to make distribution in cash or in kind, or partly in each, pro rata and otherwise, to settle, compromise, adjust, release, and discharge all debts and claims which may be presented against my estate or which may be due to me, and to retain or sell at public or private sale or otherwise dispose of in such manner and at such prices and upon such terms and conditions, including credit, all or any part of my real or personal estate without order of any court or other authority and to execute, acknowledge, and deliver deeds or other proper instruments of conveyance or assignment to the purchaser or purchasers thereof, which purchasers

Copy

shall be under no obligation to see to the proper application of the proceeds of any such disposition, and to do any and all things necessary and/or convenient to the proper and legal management and administration of my estate, all as my Executrix, in the exercise of her sole and absolute discretion, shall deem advisable.

2. I expressly relieve my Executrix of any duty to convert any assets of my estate into cash and I authorize and empower my Executrix to retain any or all of the assets of my estate, real or personal and specifically including, but not limited to, any stock, bonds, or other investment properties which I may own at the time of my death, without incurring any liability by reason of such retention, to borrow money upon the security of any assets of my estate, to invest in all forms of property, including, but not limited to, common and preferred stocks, without restriction as to legal investments for fiduciaries, to purchase investments at a premium or discount, to give proxies, to join in any recapitalization, merger, reorganization, or voting trust or plan affecting investments, to deposit securities under agreements and to pay assessments, to subscribe for stock and bond privileges, and, generally, to exercise all rights of security holders, to carry investments in the name of a nominee or in bearer form, and to continue indefinitely the operation of any business in which I may have an interest at the time of my death, either individually, as a partner, or stockholder, and my Executrix may deliver to the legatees and beneficiaries of my estate any such business or interest therein.

3. Without in any way limiting the scope of any of the powers and authority granted elsewhere, I authorize and empower my Executrix, in the exercise of reasonable discretion with respect to all property, real, personal, and mixed, at any time forming a part of my estate, to exercise the powers set forth in Paragraphs 1 through 33, inclusive, of Tennessee Code Annotated Section 35-50-110, to the extent applicable, all of which provisions and powers are incorporated herein by reference, including the specific incorporation by reference of the "Prudent Man Rule"; provided, however, that the power and authority set out in Paragraph 19 of Tennessee Code Annotated Section 35-50-110 is restricted and limited to such amounts and such periods of time as may be reasonably required in the best interests of the beneficiaries hereof.

ARTICLE IV

{Disposition of Property}

1. If my daughter, ABIGAIL LEE MORGAN, shall survive me, then I give, devise, and bequeath all of the rest, residue, and remainder of the property which I may own at the

 alm

Copy

time of my death, real, personal, and mixed, tangible and intangible, of whatsoever nature and wheresoever situated, including all property which I may acquire or become entitled to after the execution of this Will, to my said daughter in fee.

2. If my daughter shall not survive me, then I give, devise, and bequeath all of the rest, residue, and remainder of the property which I may own at the time of my death, real, personal, and mixed, tangible and intangible, of whatsoever nature and wheresoever situated, including all property which I may acquire or become entitled to after the execution of this Will, to Harris Schlesinger, as Trustee, to hold, administer and distribute in trust for my grandchildren as provided in this ARTICLE. If I am not survived by any grandchildren, however, then my residuary estate shall be paid and distributed to my son-in-law, Harris Schlesinger. outright and in fee.

3. If my daughter shall fail to survive me and I am survived by one or more grandchildren, then Trustee shall divide the trust estate into equal shares, one equal share for each grandchild who survives me, and, subject to the remaining provisions of this ARTICLE, Trustee shall pay and distribute such shares outright and free of trust to each grandchild. Whenever my Trustee is directed to distribute any property to a beneficiary who is then under twenty- five (25) years of age, my Trustee shall hold such property in trust for that beneficiary until he or she attains the age of twenty-five (25) years, and in the interim pay and distribute such amounts of income and principal of the trust share of such beneficiary as the Trustee may deem necessary to provide for the health, education, support and maintenance of such beneficiary. If such beneficiary should die before attaining the age of twenty-five (25) years, or before his or her entire trust share is distributed to him or her, then the property held in trust shall be paid and distributed to such beneficiary's issue, per stirpes and in fee, if any, or if none, then to such beneficiary's estate.

ARTICLE V

{Spendthrift Provision}

No beneficiary of my estate shall pledge, assign, transfer, sell, or in any manner whatsoever accelerate, anticipate, or encumber any interest in the principal or the income of my estate, nor shall any of such principal or income be or become, in any manner whatsoever, subject or liable for the debts, contracts, or engagements of any beneficiary hereof. In no event shall any of such principal or income be or become, in any manner whatsoever, subject to any assignment or any other alienation or disposition, whether voluntary or involuntary.

Copy

ARTICLE VI

{General Provisions}

1. Whenever any distribution is to be paid to a minor beneficiary, a beneficiary adjudicated incompetent, or a beneficiary not adjudicated incompetent but who, by reason of mental or physical illness or condition, mental or physical disability, or advanced age is, in the opinion of my Executrix, unable properly to administer or manage such funds, then such amounts as are to be paid to or for the benefit of such beneficiary may be distributed in any of the following manners:

a. Directly to the beneficiary;

b. To a legally appointed guardian, custodian, conservator, spouse, or natural parent of such beneficiary;

c. To a custodian for the beneficiary under the Uniform Gifts to Minors Act or the Uniform Transfers to Minors Act, if such custodian is authorized to receive such funds;

d. To a relative or friend of such beneficiary or any adult living in the same household for and on behalf of such beneficiary; or,

e. By using such amounts directly for the benefit of a beneficiary.

The receipt of any such person shall discharge my Executrix from further responsibility with respect to such funds. No recipient shall be required to furnish bond with respect to such funds nor make a report as to the disposition of the same.

2. Notwithstanding any other provision hereof, my Executrix is authorized to retain in trust for any beneficiary, other than my surviving spouse, of my estate for so long as any such beneficiary shall live, so much or all of such beneficiary's share or fund as my Executrix may determine to be appropriate under the circumstances, whether due to the minority or incompetency, whether or not adjudicated, of such beneficiary or due to any physical or mental condition or disorder, including but not limited to drug or alcohol abuse or dependence, of such beneficiary. During any such interim, my Executrix shall pay and distribute to such beneficiary or expend on his or her behalf such amount or amounts of the net income and/or principal derived from his or her particular share or fund, as my Executrix deems advisable for the health, maintenance, education, and support of such beneficiary. Such separate share or fund shall terminate at the death of such beneficiary or upon its earlier exhaustion, and all principal and undistributed income, if any, of such separate share or fund remaining at the death of such beneficiary shall be paid and distributed to the estate of such beneficiary in fee. Each separate share or fund shall constitute and be administered

Copy

and accounted for separately and no beneficiary of any separate share or fund shall have any right or interest in any other separate share or fund held hereunder nor in any specific property or asset held hereunder.

3. It is my express intent that my Executrix shall be entitled to reimbursement for all reasonable expenses and costs paid or incurred in the performance of its duties hereunder.

4. As used in this Will, representation "per stirpes" with respect to any person shall be determined by reference to the first generation below that of such person, whether or not there shall be anyone of that generation living at the time of the determination.

ARTICLE VII

{Additional Appointments}

Should any person be selected and willing to serve as Executor under this Will in a state other than the state where I am domiciled at the time of my death and should the law of the state in which it is proposed that such person qualify and serve hereunder not permit that person to serve as the sole fiduciary in One (1) or more of these capacities, then I direct that such person shall have the right to name an individual resident of said jurisdiction, or a bank or trust company qualified to act in a fiduciary capacity in said jurisdiction, to serve with him or her as Co-Executor of this Will. To the extent permitted by law, no bond or surety shall be required of any co-fiduciaries named pursuant to this ARTICLE.

IN WITNESS WHEREOF, I acknowledge this to be and I have hereunto subscribed my name to this as my Last Will and Testament, consisting of this and the Five (5) preceding typewritten pages, and, for purposes of identification, I have initialed each such page, all in the presence of the persons witnessing it at my request on this the 1st day of October, 2002.

Hattie Jo Cantrell Morgan
HATTIE JO CANTRELL MORGAN

Copy

The said Hattie Jo Cantrell Morgan, being of sound mind and disposing memory, signed the foregoing instrument in our presence as and for her Last Will and Testament and signified and declared to us that same was her Last Will and Testament; and we, the undersigned, at her request and in her presence and sight and in the presence and sight of each other, have subscribed our names hereto as attesting witnesses the day and date above written.

Address: 113 Sumner Meadows Lane
Hendersonville, TN 37075

Address: 205 Dawn Lane
Mt Juliet, TN 37122

Copy

AFFIDAVIT

STATE OF TENNESSEE)

COUNTY OF DAVIDSON)

The undersigned, Allyson Kilby, and Brenda Farmer, being first duly sworn, make oath as follows:

The said Hattie Jo Cantrell Morgan, being of sound mind and disposing memory, signed the foregoing instrument in our presence as and for her Last Will and Testament and signified and declared to us that same was her Last Will and Testament; and we, the undersigned, at her request and in her presence and sight and in the presence and sight of each other, have subscribed our names thereto as attesting witnesses the day and date written therein.

Allyson Kilby

Brenda Farmer

Sworn to and subscribed before me
this 1st day of October, 2002.

Notary Public

My Commission Expires:

GAIL SMITH BRADFORD
NOTARY PUBLIC AT LARGE
DAVIDSON COUNTY, TENN.

45221019.1
09/26/2 2:00 PM

My Commission Expires JAN. 29, 2005