Karen Johnson Davidson County
Batch# 645361 DEEDQC
05/27/2021 02:31:56 PM 14 pgs
Fees: $72.00 Taxes: $0.00
20210527-0072057

This instrument prepared based on information provided by the parties and not independent verification by:
C. Michael Robinson
1215 7th Avenue N.
Nashville, TN 37208

NEW OWNERS:
Roger Clay Butler and Melaney Butler Hall

MAP & PARCEL:
136 03 0A 105.00

SEND TAX BILLS TO:

Roger Clay Butler, 1203 Twin Springs Dr., Brentwood, TN 37027, and **Melaney Butler Hall**, 8113 Patrice Dr., Brentwood, TN 37027.

EXECUTOR'S DEED

This deed made on the 19th day of May, 2021 by Roger Clay Butler, Executor of the Estate of Penelope Banks, a.k.a. Penelope G. Butler, deceased, by the power conferred by The Last Will and Testament of Penelope Banks (attached hereto as Exhibit A) and the Seventh Circuit Court for Davidson County, Tennessee; Probate Division in case number 20P853, as evidenced by the Order of Probate (attached hereto as Exhibit B) and the Letters Testamentary issued to Roger Clay Butler (attached hereto as Exhibit C), and every other power, in consideration of Zero Dollars, and other good and valuable consideration, the receipt of which is acknowledged, does convey, warrant, and quitclaim to **Roger Clay Butler** and **Melaney Butler Hall**, as tenants in common, real property located in the County of Davidson, State of Tennessee, more particularly described as follows:

> Being Townhouse No. 21, Building No. 20 on the Plan of Priest Lake Park Condominium Townhouses, Phase I of record in Book 4460, page 88, Register's Office for Davidson County, Tennessee, to which plan reference is hereby made for a more complete and accurate description of said property.
>
> This conveyance is made subject to the provisions and requirements of the Tennessee Horizontal Property Act as set out in Sec. 64-2701 et seq. of the Tennessee Code Annotated; to the ByLaws for administration thereof; to easements, rights, and interests in favor of other unit owners, and all sever, water, electrical, telephone and other utility easements now or hereafter established over, through, or upon the land embracing the regime and building thereon, and including without limitation all conditions, covenants, restrictions, options, burdens, assessments and other undertakings contained in the Master Deed Establishing a Horizontal Property Regime with respect to the Priest Lake Park Condominium Townhouses, of record in Book 4460, page 88, said Register's Office.
>
> Subject to easements and restrictions of record.
>
> Being the same property as was conveyed from Richard A. Reif and wife, Antoinette M. Reif, by warranty deed dated February 11, 1977, recorded in

Book 5122, page 348, in the Register's Office for Davidson County, Tennessee.

Being the same property conveyed to Roger C. Butler and wife, Penelope G. Butler by limited warranty deed from The Equitable Life Assurance Society of the United States, a New York Corporation of record in Book 5160, page 802, in the Register's Office for Davidson County, Tennessee.

Being the same property conveyed to Penelope G. Butler, who is one and the same as Penelope Banks, by Quitclaim Deed from Roger C. Butler of record in Instrument Number 199912080301275, in the Register's Office for Davidson County, Tennessee.

This is improved property known as 3880 Priest Lake Drive, #21, Nashville, Tennessee 37217.

together with all the rights of the decedent in fee simple absolute.

Said property is conveyed subject to the following: (1). any, *and all*, applicable Governmental and Zoning ordinances; (2). any, *and all*, utility, sewer, drainage and other easements of record; (3). any, *and all*, subdivision/condominium assessments, covenants, bylaws, restrictions, declarations, and easements of record; (4). any, *and all*, building restrictions; (5). any, *and all*, taxes and restrictions of record; and (6). any, *and all*, indebtedness on the real property as recorded in the Register's Office, Davidson County, Tennessee.

IN WITNESS WHEREOF, I have signed my name this the 19th day of May, 2021.

Roger Clay Butler

ROGER CLAY BUTLER, EXECUTOR

[Remainder of Page Intentionally Left Blank]

OATH

STATE OF TENNESSEE)
)
COUNTY OF DAVIDSON)

Before me a Notary Public, duly appointed, commissioned and qualified in and for the State and County aforesaid, personally appeared, **ROGER CLAY BUTLER, EXECUTOR,** to me known or proved to me on the basis of satisfactory evidence to be the person described in and who executed the foregoing instrument and acknowledged that he or she executed the same as his or her free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal at my office in said County, on this the 19th day of May, 2021.

JONATHAN BRYAN MURPHY STATE OF TENNESSEE NOTARY PUBLIC DAVIDSON COUNTY My Commission Expires 09-07-2021

NOTARY PUBLIC

My Commission Expires: 9/7/21

The actual consideration and/or value, *whichever is greater*, for this transfer is Zero Dollars ($0.00).

ROGER CLAY BUTLER, EXECUTOR

Sworn to and subscribed to me on this the 19th day of May, 2021.

JONATHAN BRYAN MURPHY STATE OF TENNESSEE NOTARY PUBLIC DAVIDSON COUNTY My Commission Expires 09-07-2021

NOTARY PUBLIC

My Commission Expires: 9/7/21

Copy EFILED 05/27/20 11:06 AM CASE NO. 20P853 Richard R. Rooker, Clerk

EXHIBIT A

Last Will and Testament

of

PENELOPE BANKS

I, **PENELOPE BANKS**, a citizen and resident of Davidson County, Tennessee, being of sound mind and disposing memory, do hereby make and publish this, my Last Will and Testament, hereby revoking any and all former wills by me heretofore made.

ITEM ONE

I direct that all my legally enforceable debts, secured and unsecured, be paid as soon as practicable after my death. I direct that my Executor may cause any debt to be carried, renewed and refinanced from time to time upon such terms and with such securities for its repayment as my Executor may deem advisable taking into consideration the best interests of the beneficiaries hereunder. Notwithstanding the foregoing, if at the time of my death any property or interest in property passing pursuant to the provisions of this Will, or by operation of law or otherwise by reason of my death, is, at the time of my death, encumbered by mortgage or lien or pledged to secure any obligation (whether the encumbered or pledged property or interest in property is, at the time of my death, owned by me jointly or individually), then it is my intention that any such indebtedness shall not be charged to or paid from my estate, but instead that the devisee, legatee, joint owner taking by right of survivorship or beneficiary receiving the property or interest in property shall take the same subject to all the encumbrances existing at the time of my death.

Penelope Banks

Copy

EFILED 05/27/20 11:06 AM CASE NO. 20P853 Richard R. Rooker, Clerk

ITEM TWO

I direct that:

(1) Direction to Pay All Taxes and Administration Expenses from Residuary Estate. Except as provided in (2) herein, all estate, inheritance, succession, death or similar taxes (except generation-skipping transfer taxes) assessed with respect to my estate herein disposed of, or any part thereof, or on any bequest or devise contained in this my Last Will (which term wherever used herein shall include any Codicil hereto), and all administration expenses be paid out of my residuary estate and shall not be charged to or against any recipient, beneficiary, transferee or owner of any such property or interests in property included in my estate for such tax purposes.

(2) Apportion Taxes on Nonprobate Property. All such taxes in respect to any property or interests in property included in my gross estate under Sections 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, and 2044 of the Internal Revenue Code shall be charged against and paid by the recipient or beneficiary of such property or interest in property or from the property or interest in the property, provided, however there shall be no apportionment against any donee or recipient of any such property or interest in property which is a qualified charity under Section 2055 and the property or interest in property was allowed in my federal and/or state estate tax proceedings as a charitable deduction. The amount of the tax to be charged against such donee or recipient shall be determined by multiplying a fraction (the numerator of which shall be the federal and/or state estate tax value of the property to be apportioned as finally determined in my federal and/or state estate tax proceedings and the denominator of which shall be the total value of my taxable estate for such federal and/or state

Penelope Banks

Copy EFILED 05/27/20 11:06 AM CASE NO. 20P853 Richard R. Rooker, Clerk

estate tax purposes) times the net amount of such taxes payable by my estate after the application of all credits against such taxes.

ITEM THREE

I hereby give, devise and bequeath, all my property, real, personal and mixed, of every kind and character whatsoever and wheresoever situate, which I own or to which I may be entitled at the time of my death, unto my children, **ROGER CLAY BUTLER, JR.** and **MELANEY BUTLER HALL** equally, per stirpes.

ITEM FOUR

I may leave written memorandum disposing of certain items of my tangible personal property. Any such item of tangible personal property shall pass according to the terms of such memoranda in existence at the time of my death. If no such written memoranda are found or identified by my Executor within thirty (30) days after my Executor's qualification, it shall be conclusively presumed that there are no such memoranda and any subsequently discovered memoranda shall be ineffective. Any bequest to a beneficiary who is not living at the time of my death and for whom no effective alternate provision has been made shall lapse.

ITEM FIVE

I hereby nominate and appoint my son, **ROGER CLAY BUTLER, JR.**, as Executor of this, my Last Will and Testament, and I direct that he be permitted to qualify without giving security upon his bond as such, and I further direct that he be excused from filing an inventory or an itemized final settlement.

If I am predeceased by my son, I hereby nominate and appoint my daughter, **MELANEY BUTLER HALL**, as Alternate Executrix of this, my Last Will and Testament, and I direct that she be permitted to qualify without giving security upon her bond as such, and I further direct

Penelope Banks

Copy

EFILED 05/27/20 11:06 AM CASE NO. 20P853 Richard R. Rooker, Clerk

that she be excused from filing an inventory or an itemized final settlement.

By way of illustration and not of limitation and in addition to any inherent, implied or statutory powers granted to Executors and Trustees by Tennessee Code Annotated Section 35-50-110, all of which provisions and powers are incorporated herein by reference as fully as if copied herein verbatim, my Executor and Trustee are specifically authorized and empowered with respect to any property, real or personal, at any time held under any provision of this my Will: to allot, allocate between principal and income, assign, borrow, buy, care for, collect, compromise claims, contract with respect to, continue any business of mine, convey, convert, deal with, dispose of, enter into, exchange, hold, improve, incorporate any business of mine, invest, lease, manage, mortgage, grant and exercise options with respect to, take possession of, pledge, receive, release, repair, sell, sue for, to make distributions or divisions in cash or in kind or partly in each without regard to the income tax basis of such asset, and in general, to exercise all the powers in the management of my Estate or trust hereunder with which any individual could exercise in the management of similar property owned in his or her own right, upon such terms and conditions as to my Executor and Trustee may seem best, and to execute and deliver any and all instruments and to do all acts with which my Executor and Trustee may deem proper or necessary to carry out the purposes of this my Will, without being limited in any way by the specific grants of power made, and without the necessity of a court order. Additionally, the Trustee is authorized, in its discretion, to merge all of the assets of any trust created under this will with any other trust that may have been established by me during my lifetime or under my Will, with

Penelope Banks

Copy EFILED 05/27/20 11:06 AM CASE NO. 20P853 Richard R. Rooker, Clerk

either trust being the surviving trust, proved that the beneficiaries are identical and terms for distribution of income and principal are substantially the same. No such merger shall have the effect of extending the applicable perpetuities measuring period as to the respective trust. The Trustee is further authorized to divide any trusts into separate shares or separate trusts or to create separate trusts if my Trustee reasonably deems it appropriate and the division or creation is consistent with my intent, and facilitates the trust's administration or tax planning without defeating or impairing the interests of the beneficiaries. I direct that any real property I own be administered as part of my probate estate subject to the control of my Executor pursuant to Tennessee Code Annotated Sec. 31-2-103. My Executors and/or Trustees are hereby explicitly authorized to sell any real estate that may be a part of my Estate or any trust hereunder and that is not specifically devised or allocated herein without the approval of the beneficiaries of my Estate or trust hereunder, and without the approval of any Court.

"Executor" shall be plural or singular, masculine or feminine, as appropriate.

IN WITNESS WHEREOF, I have hereunto set my hand at Murfreesboro, Tennessee, on this 14th day of August, 2012, to this, my Last Will and Testament, the same being typewritten on five sheets of paper, the first four of which have been signed by me for identification.

Penelope Barker

TESTATRIX

Copy EFILED 05/27/20 11:06 AM CASE NO. 20P853 Richard R. Hooker, Clerk

ATTESTATION CLAUSE AND AFFIDAVIT

STATE OF TENNESSEE)

COUNTY OF RUTHERFORD)

We, the undersigned, being first duly sworn, make oath that **PENELOPE BANKS**, on the day and date above written, declared and signified to us that the foregoing instrument was her Last Will and Testament; that she then signed said instrument in our sight and presence; that we, at her request, and in her sight and presence, and in the sight and presence of each other, then subscribed our names hereto as attesting witnesses; that at the time of execution the Testatrix was more than 18 years of age, of sound mind and disposing memory, and did not appear under any undue influence; and that the undersigned, each being more than 18 years of age, make and sign this Affidavit at the Testatrix's request on the day and date above written.

Lori Smithson

Lori Smithson

(PRINT)

Jacqueline Carruthers

Jacqueline Carruthers

(PRINT)

Sworn to and subscribed before me this 14th day of August, 2012.

Notary Public

My commission expires JUN 19 2016

LARRY K. TOLBERT STATE OF TENNESSEE NOTARY PUBLIC RUTHERFORD COUNTY

THIS INSTRUMENT PREPARED BY:
LARRY K. TOLBERT, ATTORNEY
425 WEST COLLEGE STREET
MURFREESBORO, TN 37130
FROM INFORMATION FURNISHED BY THE PARTIES
JC/BANKS, PENELOPE.WILL&2012

Copy

EFILED 06/04/20 12:46 PM CASE NO. 20P853 Richard R. Rooker, Clerk

EXHIBIT B

IN THE SEVENTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
PROBATE DIVISION

In Re Estate of:	)	
Penelope Banks	)	**Docket Number: 20P853**

ORDER ON PETITION TO ADMIT LAST WILL AND TESTAMENT TO PROBATE

This cause came to be heard on the pleadings on the 4th day of June, 2020, by the Seventh Circuit Court of Davidson County, Tennessee, upon the Petition to Admit Last Will and Testament to Probate submitted by Roger Clay Butler (hereinafter "the Petitioner"), in the Estate of Penelope Banks.

Based upon an examination of the Petition, its exhibits, and the entire record herein this cause, the Court finds as follows:

1. Penelope Banks (hereinafter "the Decedent") died on May 13, 2020 at the age of Seventy (70).
2. The Decedent was a resident of Nashville, Davidson County, Tennessee and resided at 3880 Priest Lake Dr. #21, Nashville, Davidson County, Tennessee, 37217.
3. The Decedent was married at the time of her death to Alan Banks of Davidson County, Tennessee, 3748 Anderson Rd. Nashville, TN 37217.
4. The Decedent had two children during her lifetime: Melaney Butler Hall and Roger Clay Butler, the Petitioner.
5. The Decedent died leaving a paper writing as her *Last Will and Testament*, duly executed by the Decedent and properly witnessed on 14th day of August 2012.
6. The Petitioner presented the true *Last Will and Testament* to the Court Clerk.
7. Pursuant to "Item Five" of the Decedent's *Last Will and Testament*, the Petitioner was

Copy

EFILED 06/04/20 12:46 PM CASE NO. 20P853 Richard R. Rooker, Clerk

named to serve as Executor of the Decedent's Estate.

8. The Petitioner is ready, willing, and is qualified to administer the Decedent's Estate, has no felony or misdemeanor convictions and is not disqualified from serving as a personal representative because of having been sentenced to a term of imprisonment in a penitentiary and shall be appointed the Executor of the Decedent's Estate.

9. The Decedent left a probate estate of sufficient size to be administered.

10. The name, relationship, and mailing address of the residual beneficiaries of the Estate pursuant to "Item Three" of the Decedent's *Last Will and Testament* are as follows:

    a. Roger Clay Butler, Son of the Decedent, 1203 Twin Springs Dr. Brentwood, TN 37027; and

    b. Melaney Hall, Daughter of the Decedent, 8113 Patrice Dr. Brentwood, TN 37027.

11. The Decedent's *Last Will and Testament* waives the requirements of bond and the requirements of the Executor for making and filing of any inventory and accounting.

12. "Item Five" of the Decedent's *Last Will and Testament* makes all realty a part of the Decedent's Estate, giving the Executor authority to sell or convey any Real Estate without necessity of approval of the Court.

13. Pursuant to Tenn. Code Ann. § 71-5-116, the Executor shall obtain and file with the Clerk of this Court a release from the Tennessee Bureau of TennCare within sixty (60) days.

Based on the above findings, as well as the entire record of this cause, it is therefore **ORDERED, ADJUDGED AND DECREED** that said paper writing dated August 14, 2012 is the true and whole *Last Will and Testament* of the Decedent and the same is hereby admitted to probate; as such, the Clerk of the Court is directed to file and record the same immediately.

Copy

EFILED 06/04/20 12:46 PM CASE NO. 20P853 Richard R. Rooker, Clerk

It is further **ORDERED, ADJUDGED AND DECREED** that the Petitioner, Roger Clay Butler, is hereby appointed Executor of the Decedent's Estate and the Clerk of the Court is directed to issue Letters Testamentary without necessity of bond.

It is further **ORDERED, ADJUDGED AND DECREED** that the filing of both inventories and accountings are waived.

It is further **ORDERED, ADJUDGED AND DECREED** that Notice shall issue to creditors as required by Tenn. Code Ann. § 30-2-306.

It is further **ORDERED, ADJUDGED AND DECREED** that Petitioner shall obtain and submit to the Court a release from the Tennessee Bureau of TennCare as required by Tenn. Code Ann. § 71-5-116.

It is further **ORDERED, ADJUDGED AND DECREED** that the Executor shall have authority to sell or convey the Decedent's Real Property without necessity of approval by this Court.

It is further **ORDERED, ADJUDGED AND DECREED** that all other matters are reserved pending further orders of the Court.

IT IS SO ORDERED.

ENTERED this the 4 day of June 2020.

JUDGE RANDY KENNEDY

Copy

EFILED 06/04/20 12:46 PM CASE NO. 20P853 Richard R. Rooker, Clerk

APPROVED FOR ENTRY:

HARRINGTON LAW OFFICE

C. MICHAEL ROBINSON #35301
Attorney for the Petitioner, Roger Clay Butler
Temporary Office Address:
223 Carden Avenue
Nashville, Tennessee 37205
Telephone: (615) 320-9977
Facsimile: (615) 320-9929

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 3rd day of June, 2020, a true and exact copy of the foregoing *Order on Petition to Admit Last Will and Testament to Probate* was forwarded via U.S. Mail, Postage Pre-Paid, to the following individuals: **Roger Clay Butler,** 1203 Twin Springs Dr. Brentwood, TN 37027; **Melaney Hall,** 8113 Patrice Dr. Brentwood, TN 37027.

C. MICHAEL ROBINSON

EXHIBIT C

IN THE CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE

(PROBATE DIVISION)

LETTERS TESTAMENTARY

TO: **ROGER CLAY BUTLER** DOCKET NO: **20P853**

*It appearing to the Court that **PENELOPE BANKS** 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 **ROGER CLAY BUTLER**, 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 **June 4th, 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 **ROGER CLAY BUTLER** as **Executor** of the estate of **PENELOPE BANKS**, deceased, and I do further certify that **ROGER CLAY BUTLER** is still acting **Executor** of the estate of **PENELOPE BANKS** 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 4th day of June 2020.

RICHARD R. ROOKER, Clerk

D.C.