COPY

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

Karen Johnson Davidson County
Batch# 697632 ORDER
08/16/2021 09:15:30 AM 19 pgs
Fees: $97.00 Taxes: $0.00
20210816-0110015

IN MATTER OF:
PROBATE OF LAST WILL AND TESTAMENT OF:

MAYNARD RAY AMSTUTZ

KATHLEEN ANN AMSTUTZ

Petitioner.

Case No. 21P903

ORDER

Based upon the Petition to Probate to Establish Muniment of Title filed in this case and the record as a whole, the court finds that there is no necessity for appointing an Executor or Executrix to administer the estate and that there is no need to publish a notice to creditors in this estate. Further, this Court finds that a certified copy of the decedent's will and testament should be recorded in the Register of Deed's Office for Davidson County, Tennessee for the purpose of establishing a muniment of title to certain real property owned by the decedent, Maynard Ray Amstutz at the time of his death; it is therefore

ORDERED, that the Last Will and Testament dated March 18, 2011, respectively of Maynard Ray Amstutz, be admitted to probate for the limited purpose of establishing muniment of title to a certain parcel of real estate described as unimproved property located at 606 General George Patton Road, Nashville, Tennessee 37221, and that no Executor or Executrix is appointed to administer the Estate of Maynard Ray Amstutz; it is further

ORDERED, that there shall be no publication of a notice to creditors in this matter; it is further

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ORDERED, that a certified copy of the Last Will and Testament of Maynard Ray Amstutz shall be recorded in the office of the Register of Deeds for Davidson County, Tennessee to establish a muniment of title to a certain parcel of real property located in Davidson County, Tennessee, described on the attached Exhibit A which is incorporated in this Order by this reference.

ENTERED this 8th day of June, 2021.

JUDGE RANDY KENNEDY
Special Senior Judge

APPROVED FOR ENTRY:

Robert J. Notestine III
Attorney at Law
Attorney for the Petitioner
Kathleen A. Amstutz
BPR #12195
109 Kenner Avenue, Suite 201
Nashville, TN 37205
(615) 297-1568, Ext. 11
bob@notestinelaw.com

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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the above Order was sent by first class U. S. mail to the following:

James Arthur Roberts
7135 Birch Bark Dr.
Nashville, TN 37221

Kathleen A. Amstutz
1241 Brenner Dr.
Nashville, TN 37221

Cynthia Kay McCarty
11827 Snap Dragon Dr.
Tampa, FL 33635

Amie Lynn Potter
1628 Fairhouse Rd.
Spring Hill, TN 37174

Matthew James Roberts
4004 Canberra Dr.
Spring Hill, TN 37174

On this 26th day of May, 2021

Robert J. Notestine III

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FILED
JUN 08 2021
RICHARD R. ROOKER, Clerk
By [illegible] Deputy

Exhibit A

Land in Davidson County, Tennessee, being described as follows: Unit No. 606, together with the carport designated as No. 606-C, in River Plantation, Section VIII, Phase II, a condominium, a horizontal property regime, located on Sawyer Brown Road, General George Patton Road and Old Harding Pike, Nashville, Davidson County, Tennessee, as shown on the Plat of River Plantation, Section VIII, Phase II, Condominium Apartments, recorded in Book 6900, Pages 514,515,516, and 517 and Book 8123, Page 690, as amended in Book 6900, Page 654, et. seq., Register's Office for Davidson County, Tennessee, and described in a Master Deed recorded in Book 7417, Pages 396, et.seq. Register's Office for Davidson County, Tennessee, to which reference is hereby made. The easements, restrictive covenants, conditions, and regulations imposed upon and relating to the apartments, property, co-owners and tenants for River Plantation, Section VIII, Phase II, Condominium apartments, contained in the Master Deed and By-Laws appended thereto, recorded in Book 7417, Pages 396-438, Registers Office for Davidson County, Tennessee are incorporated in the deed by reference and made ma part hereof the same as though copied herein. This conveyance is also subject to the covenants, conditions and restrictions for the River Plantation Section 8011 Umbrella Association, Inc. of record in Book 7389, Page 924, Register;' Office for said county.

Being the same real property real property conveyed to Maynard Ray Amstutz and wife Mary Kathryn Amstutz from Donna Ethridge n/k/a Donna Silva of record in Instrument 20100929-0077329, Register's Office for Davidson County, Tennessee.

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 FINAL ORDER heretofore filed in the SEVENTH Circuit Court for Davidson County, Tennessee, on the 08 day of JUNE, 2021, in Docket Number 21P903, IN RE: AMSTUTZ, MAYNARD RAY, as same remains of record in the Minutes of said Court.

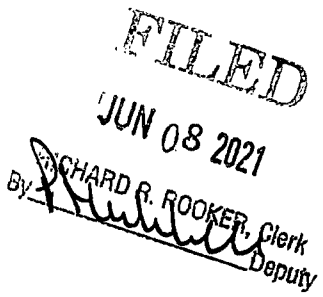
IN TESTIMONY WHEREOF, I hereunto subscribe my name and affix the seal of said Court, at office, in Nashville, the 08 day of JUNE in the year 2021 and in the 244 year of American Independence.

RICHARD R. ROOKER, Clerk,

By: _____
Deputy Clerk

[SEAL]

21P903



LAST WILL AND TESTAMENT

OF

MAYNARD RAY AMSTUTZ

I, Maynard Ray Amstutz, 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

DEBTS

I direct that all of my just debts, my funeral expenses (including the cost of a suitable monument at my grave), unpaid charitable pledges (whether or not the same are enforceable obligation of my estate) and the costs of administration of my estate be paid as soon as practicable after my death. My Executrix, in her sole discretion, may pay from my domiciliary estate all or any portion of the cost of ancillary administration and similar proceedings in other jurisdictions.

In the event that any property or interest in property passing under this will, by operation of

Maynard Ray Amstutz

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 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 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 II

PROPERTY INSURANCE

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 III

PERSONAL EFFECTS

Maynard Ray Amstutz

I bequeath to my wife, Mary Kathryn Amstutz in fee, all clothing, jewelry, household goods, personal effects, automobiles and all other tangible personal property not otherwise specifically bequeathed, except cash on hand or on deposit, owned by me at the time of my death. I direct that any expenses incurred in safeguarding or delivering such property be paid from my estate as an administrative expense thereto. If my said wife shall not survive me, I bequeath all of the aforesaid property, to my issue, Pamela Roberts, Kathleen Amstutz and Cynthia McCarty, in fee, in equal shares.

ARTICLE V

EXECUTRIX

I appoint my wife, Mary Kathryn Amstutz, of Nashville, Davidson County, Tennessee, to be Executrix of this my last will and testament. I direct that no bond be required of my said Executrix for the faithful performance of her duties and that she shall be excused from filing an inventory or interim and final accountings with the Court in this matter. If Mary Kathryn Amstutz, shall predecease me or for any reason shall fail to qualify as Executrix hereunder (or having qualified, shall die or resign) then in such event, I appoint Kathleen Amstutz as Alternate Executor of my estate to serve without bond and in such capacity shall possess and exercise all powers and authority herein conferred on the Executrix. I vest my Executrix, Mary Kathryn Amstutz and any alternate Executor, with full power and authority to sell, transfer and convey any property, real or personal, which I may own at the time of my death at such time and price and upon such terms and conditions (including credit) as they may determine and to do every other act and thing necessary

Maynard Ray Amstutz

or appropriate for the complete administration of my estate.

ARTICLE VI

POWERS OF EXECUTRIX

I authorize my Executrix (including any substitute or successor personal representative in the exercise of a reasonable discretion with respect to all property, real and personal, at any time forming part of my estate or any trust, to exercise any or all the powers set fourth in Section 3 of Chapter 110 of the Tennessee General Assembly 1963, TCA 35-50-110, to the extent applicable, all of which provisions and power are incorporated herein by reference as fully as if copies herein verbatim. These powers (as set out in said statute on the date of the execution of this will) are granted, notwithstanding that said statue may be amended hereafter or repealed at the time of my death. For the purpose of this instrument, the term "personal representative" shall be the same person as the Executrix named herein.

ARTICLE VII

COMMON DISASTER - WIFE PRESUMED TO SURVIVE

If my wife, Mary Kathryn Amstutz, and I shall die under such circumstances that there is not sufficient evidence to determine the order of our deaths, then it shall be presumed that she survived me; and my estate shall be administered and distributed, in all respects, in accordance with such

Maynard Ray Amstutz

presumption.

ARTICLE VIII

DISPOSITION OF THE RESIDUARY

1. All 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, including all lapsed legacies and devises and all life insurance payable to my estate, except as specified herein, I bequeath and devise in fee to my wife, Mary Kathryn Amstutz

2. If Mary Kathryn Amstutz shall predecease me, then I bequeath and devise the residuary of my estate to my issue, Pamela Roberts, Kathleen Amstutz and Cynthia McCarty, in fee, in equal shares

Maynard Ray Amstutz

TESTIMONIUM

IN TESTIMONY WHEREOF, I have hereunto subscribed my name to this my last will and testament, consisting of this and five (5) preceding typewritten pages, and for the purpose of identification I have initialed each page, all in the presence of the persons witnessing it at my request on this 18 day of March, 2011, at Nashville, Tennessee.

Maynard Ray Amstutz

Maynard Ray Amstutz

ATTESTATION

The foregoing, instrument, consisting of this and five (5) preceding typewritten pages, was signed, sealed, published and declared by Maynard Ray Amstutz, 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 17th day of March, 2011, at Nashville, Tennessee.

_____ residing at Nashville, TN
Witness

_____ residing at Nashville TN
Witness

Maynard Ray Amstutz

Maynard Ray Amstutz

AFFIDAVIT OF WITNESS TO PROVE WILL

Weldon Burkett Jr and Hunter Alsup after being duly sworn according to law, depose and say:

1. That they are adult citizens of Nashville, Davidson County, Tennessee.
2. That they witnessed the execution of the Last Will and Testament of Maynard Ray Amstutz, dated March 17, 2011, 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 32-2-211.
3. That their signatures are affixed to said last will and testament, they signed or affixed their name 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 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 sound mind.

STATE OF TENNESSEE

Maynard Ray Amstutz

Maynard Ray Amstutz

COUNTY OF DAVIDSON

Subscribed and Sworn to before me this 18th day of March, 2011.

NOTARY PUBLIC

My commission expires: _____ Davidson County, Tennessee.

ROBERT JOHN NOTESTINE
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY, TENN.

My Commission Expires MAY 6, 2013

Maynard Ray Amstutz

Maynard Ray Amstutz

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21P 903

FILED
JUN 08 2021
RICHARD R. ROOKER Clerk
By Deputy

FIRST CODICIL TO
LAST WILL AND TESTAMENT OF
MAYNARD RAY AMSTUTZ

I, Maynard Ray Amstutz, domiciled in Nashville, Davidson County, Tennessee, do make and publish, and declare this to be the first codicil to my last will and testament executed by me on March 18, 2011, in the presence of Weldon B. White, Jr. and Hunter Alsup.

1. I amend my will by deleting the sole paragraph in Article III and to insert , in its place, the following provision: I hereby bequeath my personal property and effects to my two daughters, Cynthia Kay McCarty and Kathleen Ann Amstutz, in fee, in equal shares, per stirpes, all clothing, jewelry, household goods, personal effects, automobiles, and all other tangible personal property owned by me at my death and not otherwise specifically bequeathed, except cash on hand on deposit which shall be treated as a portion of the residuary of my estate,. I direct that any expenses incurred in safekeeping or delivering such property be paid from my estate as an administrative expense thereto.
2. I amend my will to delete the phrase referencing " I bequeath and devise in fee to my wife, Mary Kathryn Amstutz" in paragraph one and insert in its place the following provision; " I hereby bequeath my home at 606 General George Patton Road, Nashville, TN 37221 to my two daughters Cynthia Kay McCarty (34%) per stirpes, Kathleen Ann Amstutz (33%) per stirpes and to the husband and children of my deceased daughter, Pamela Jean Roberts who are James Arthur Roberts (11%) per stirpes, Amie Lynn Potter (11%) per stirpes and Matthew James Roberts (11%) per stirpes.

TESTIMONIUM

IN TESTIMONY WHERE, I have hereunto subscribed my name to this my first codicil to my last will and testament, said codicil consisting of this typewritten page and for the purpose of identification I have initialed each page, in the presence of the persons witnessing it at my request on this 22nd day of March, 2019, at Nashville, Tennessee.

Maynard R. Amstutz
MAYNARD RAY AMSTUTZ

ATTESTATION

The foregoing, instrument, consisting of this and one (1) preceding typewritten page, were signed, sealed, published and declared by Maynard Ray Amstutz, the Testator, to be the first codicil to his last will and testament in our presence and we at her request and in her presence and in the presence of each other, have hereunto subscribed our names as witnesses, this 22nd day of March, 2019, at Nashville, Tennessee. We further testify that the Testator, at the time of the execution of this first codicil to his Last Will and Testament, was of sound mind.

Virginia Tidwell residing at 8300 Sawyer Brown Rd #J305 Nashville, TN 37221
Witness

Margaret A. Mueller residing at 1248 Temple Ridge Dr. Nashville, TN 37221
Witness

Maynard R. Amstutz
MAYNARD RAY AMSTUTZ

AFFIDAVIT OF WITNESS TO PROVE WILL

Virginia Tidwell and Margaret J. Mueller after being duly sworn according to law, depose and say:

1. That they are adult citizens of Nashville and Williamson County, Tennessee.

2. That they witnessed the execution of the First Codicil to the Last Will and Testament of Maynard Ray Amstutz dated March 22, 2019, 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 32-2-211.

3. That their signatures are affixed to said First Codicil to his will and testament, they signed or affixed their name at the instance and at the request of the Testatrix and in her presence, and in the presence of each other, at the place and on the date recited in said first codicil to last will and testament.

4. That the Testator signed said paper writing as and for his First Codicil to 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 sound mind.

Virginia Tidwell

Margaret J. Mueller

Maynard R. Amstutz

MAYNARD RAY AMSTUTZ

STATE OF TENNESSEE
COUNTY OF DAVIDSON

Subscribed and Sworn to before me this 22nd day of March, 2019.

NOTARY PUBLIC

My commission expires May 3, 2021 Davidson County, Tennessee.

ROBERT J. NOTESTINE III
STATE OF TENNESSEE NOTARY PUBLIC
COUNTY OF DAVIDSON
My Comm. Expires May 3, 2021

MAYNARD RAY AMSTUTZ

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 08 day of JUNE, 2021, in Docket Number 21P903, IN RE: AMSTUTZ, MAYNARD RAY, 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 08 day of JUNE in the year 2021 and in the 244 year of American Independence.

RICHARD R. ROOKER, Clerk,

[SEAL]

By: _____
Deputy Clerk

Certificate of Authenticity

I, Robert J. Notestine, III, do hereby make oath that I am a licensed attorney and/or the custodian of the original version of the electronic document tendered for registration herewith and that this electronic document is a true and exact copy of the original document executed and authenticated according to law on 6/9/21.

Date

Affiant Signature

8/13/21

Date

State of Tennessee

County of Davidson

Sworn to and subscribed before me this 13th day of August, 2021.

Notary's Signature

My Commission Expires: 7/9/24

Date

Notary's Seal (if on paper)

BRIAN C. JAMES
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY